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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2011.

## EXECUTIVE ORDER 12-1


WHEREAS, Section 105.454(5), RSMo, requires the Governor to designate those members of his staff who have supervisory authority over each department, division or agency of the state government.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions or agencies:


Office of Administration	Kristy Manning
Department of Agriculture	Peter Lyskowski
Department of Conservation	Peter Lyskowski
Department of Corrections	Chris Pieper
Department of Economic Development	Jeff Harris
Department of Elementary and Secondary Education	Mike Nietzel
Department of Health and Senior Services	Daniel Hall
Department of Higher Education	Mike Nietzel
Department of Insurance, Financial Institutions and Professional Registration	Deborah Price
Department of Labor and Industrial Relations	Jeff Harris
Department of Mental Health	Mike Nietzel
Department of Natural Resources	Peter Lyskowski
Department of Public Safety	Edward R. Ardini, Jr.
Department of Revenue	Chris Pieper
Department of Social Services	Mike Nietzel
Department of Transportation	Edward R. Ardini, Jr.
Missouri Housing Development Commission	Brian May
Boards Assigned to the Governor	Deborah Price
Unassigned Boards and Commissions	Deborah Price



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23<sup>rd</sup> day of January, 2012.

  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
Robin Carnahan  
Secretary of State

**EXECUTIVE ORDER  
12-2**

WHEREAS, the Department of Social Services, established pursuant to Article IV, Section 37 of the Missouri Constitution, is the single state agency responsible for the administration of the Missouri Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs; and

WHEREAS, the Department of Health and Senior Services, established pursuant to Section 192.005, RSMo, is responsible for public health and aging issues, including administration of the Personal Care and Home and Community-Based Medicaid programs for the aged and disabled; and

WHEREAS, the Department of Mental Health, established pursuant to Article IV, Section 37(a) of the Missouri Constitution, is responsible for issues and programs related to mental disorders, developmental disabilities, and substance abuse; and

WHEREAS, the Missouri Medicaid Audit and Compliance Unit (MMAC) was established in January 2011, within the Department of Social Services, to oversee audit and compliance of Missouri Medicaid Program providers and participants; and

WHEREAS, the MMAC is responsible for detecting, investigating, and preventing fraud against the Missouri Medicaid Program; and

WHEREAS, all Medicaid Program audit and compliance appropriations were transferred from the Department of Social Services' MO HealthNet Division, Department of Health and Senior Services, and the Department of Mental Health to the Department of Social Services MMAC unit in Fiscal Year 2012 by the General Assembly; and

WHEREAS, the work of MMAC has already resulted in the doubling of recoupment of provider overpayments in its first reporting quarter compared with the same quarter in previous years; and

WHEREAS, consolidation of Missouri's Medicaid Title XIX, SCHIP Title XXI and Medicaid Waiver programs' provider enrollment, audit and compliance responsibilities will promote consistent guidance to providers participating in these programs; and

WHEREAS, I am committed to prudently consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Health and Senior Services, the Department of Mental Health, and the Department of Social Services to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Department of Health and Senior Services and the Department of Mental Health to the Department of Social Services, by Type I transfer, as defined under the Reorganization Act of 1974.

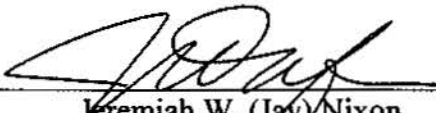
2. Develop mechanisms and processes necessary to effectively transfer these duties and functions to the Department of Social Services.
3. Transfer the responsibility for staff support for these duties and functions to the Department of Social Services.
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.


This Order shall become effective August 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23<sup>rd</sup> day of January, 2012.



ATTEST:

  
Jeremiah W. (Jay) Nixon  
Governor

  
Robin Carnahan  
Secretary of State

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 240—Public Service Commission Chapter 20—Electric Utilities

#### PROPOSED AMENDMENT

**4 CSR 240-20.065 Net Metering.** The commission is amending subsections (1)(A), (3)(E), (5)(C), (6)(C), and (7)(B); adding new sections (3) and (8), subsections (1)(G), (1)(I), and (9)(B), and paragraph (9)(A)1.; renumbering sections (3)–(8) and subsection (7)(C); and deleting the Interconnection Application form currently in the *Code of State Regulations* and replacing it with an updated Interconnection Application form.

**PURPOSE:** *This amendment eliminates various inconsistencies between rule 4 CSR 240-20.065 Net Metering and rule 4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements and defines the rate that at which the electric utilities must credit cus-*

*tomer-generators for the electric energy they generate which exceeds their needs.*

#### (1) Definitions.

(A) Avoided fuel cost means *[the current annual average cost of fuel for the electric utility as calculated from information contained in the most recent annual report submitted to the commission pursuant to 4 CSR 240-3.165. Annual average cost of fuel will be calculated from information on the Steam-Electric Generating Plant Statistics Sheets of the annual report. This annual average cost of fuel shall be identified in the net metering tariffs on file with the commission and shall be updated annually within thirty (30) days after the electric utility's annual report is submitted.] avoided costs as used to calculate the electric utility's cogeneration rate as required by 4 CSR 240-3.155(4). The information used to calculate this rate is provided to the commission biennially and maintained for public inspection.*

(G) REC means Renewable Energy Credit or Renewable Energy Certificate which is tradable, and represents one (1) megawatt-hour of electricity that has been generated from a renewable energy resource.

*[(G)](H)* Renewable energy resources means electrical energy produced from wind, solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced by one (1) of the above-named electrical energy sources, and other sources of energy that become available after August 28, 2007, and are certified as renewable by the Missouri Department of Natural Resources.

(I) Staff means the staff of the Public Service Commission of the state of Missouri.

(3) REC Ownership. RECs associated with customer-generated net-metered renewable energy resources shall be owned by the customer-generator until explicitly transferred to another entity. Nothing in this rule gives the electric utility any preferential entitlement to the RECs generated by the customer-generator's qualified electric energy generation system.

#### *[(3)](4)* Electric Utility Obligations.

(A) Net metering shall be available to customer-generators on a first-come, first-served basis until the total rated generating capacity of net metering systems equals five percent (5%) of the electric utility's Missouri jurisdictional single-hour peak load during the previous year. The commission may increase the total rated generating capacity of net metering systems to an amount above five percent (5%). However, in a given calendar year, no electric utility shall be required to approve any application for interconnection if the total rated generating capacity of all applications for interconnection already approved to date by said electric utility in said calendar year equals or exceeds one percent (1%) of said electric utility's single-hour peak load for the previous calendar year.

(B) A tariff or contract shall be offered that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator.

(C) The availability of the net metering program shall be disclosed annually to each of its customers with the method and manner of disclosure being at the discretion of the electric utility.

(D) For any cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof, the electric utility shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

(E) Any costs incurred under this rule by an electric utility not recovered directly from the customer-generator, as identified in *[(5)](6)(F)*, shall be recoverable in that electric utility's rate structure.

(F) No fee, charge, or other requirement not specifically identified in this rule shall be imposed unless the fee, charge, or other requirement would apply to similarly situated customers who are not customer-generators.

*[(4)](5)* Customer-Generator Liability Insurance Obligation.

(A) Customer-generator systems greater than ten kilowatts (10 kW) shall carry no less than one hundred thousand dollars (\$100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the net metering unit. Insurance may be in the form of an existing policy or an endorsement on an existing policy.

(B) Customer-generator systems ten kilowatts (10 kW) or less shall not be required to carry liability insurance; however, any tariff or contract offered by a utility to customer-generators shall contain language stating that absent clear and convincing evidence of fault on the part of the retail electric supplier, those retail electric suppliers cannot be held liable for any action or cause of action relating to any damages to property or persons caused by the generation unit of a customer-generator or the interconnection thereof pursuant to section 386.890.11, RSMo. *[Supp. 2008.]* Further, any tariff or contract offered by utilities to customer-generators shall state that customer-generators may have legal liabilities not covered under their existing insurance policy in the event the customer-generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.

*[(5)](6)* Qualified Electric Customer-Generator Obligations.

(A) Each qualified electric energy generation unit used by a customer-generator shall meet all applicable safety, performance, interconnection, and reliability standards established by any local code authorities, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers (IEEE), and Underwriters Laboratories (UL) for distributed generation; including, but not limited to, IEEE 1547 and UL 1741.

(B) The electric utility may require that a customer-generator's system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow an electric utility worker the ability to manually and instantly disconnect the unit from the electric utility's distribution system.

(C) No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any electric utility without written approval by said electric utility that all of the requirements under subsection *[(7)](B)](9)(C)* of this rule have been met. For a customer-generator who violates this provision, an electric utility may immediately and without notice disconnect the electric facilities of said customer-generator and terminate said customer-generator's electric service.

(D) A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced and consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for the electric utility to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse the electric utility for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by the electric utility, and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-generator over the course of up to twelve (12) billing cycles. Any subsequent meter testing, maintenance, or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

(E) Each customer-generator shall, at least once every year, conduct a test to confirm that the net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero (0)) within two (2) seconds of being disconnected from the electric utility's system. Disconnecting the net metering unit from the electric utility's electric system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test.

(F) The customer-generator shall maintain a record of the results of these tests and, upon request, shall provide a copy of the test results to the electric utility.

1. If the customer-generator is unable to provide a copy of the test results upon request, the electric utility shall notify the customer-generator by mail that the customer-generator has thirty (30) days from the date the customer-generator receives the request to provide the results of a test to the electric utility~~;/~~.

2. If the customer-generator's equipment ever fails this test, the customer-generator shall immediately disconnect the net metering unit~~;/~~.

3. If the customer-generator does not provide the results of a test to the electric utility within thirty (30) days of receiving a request from the electric utility or the results of the test provided to the electric utility show that the unit is not functioning correctly, the electric utility may immediately disconnect the net metering unit~~;/ and/~~.

4. The net metering unit shall not be reconnected to the electric utility's electrical system by the customer-generator until the net metering unit is repaired and operating in a normal and safe manner.

*[(6)](7)* Determination of Net Electrical Energy. Net electrical energy measurement shall be calculated in the following manner:

(A) For a customer-generator, an electric utility shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(B) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(C) If the electricity generated by the customer-generator exceeds the electricity supplied by the electric utility during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period in accordance with section *[(3)](4)* of this rule and shall be credited *[an amount at least equal to the avoided fuel cost of] with the product of the excess kilowatt-hours generated during the billing period[, with this credit applied to] and the rate identified in the electric utility's net metering tariff sheet filed with the commission in the following billing period. This rate is calculated from the electric utility's avoided fuel cost; and*

(D) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve (12) months after their issuance, or when the customer-generator disconnects service or terminates the net metering relationship with the electric utility.

**(8) Net Metering Rates.** Each electric utility shall file on or before January 15 of each odd-numbered year for the commission's approval in the electric utility's tariff, a rate schedule with a net metering rate that is the same rate as the utility's cogeneration rate. The electric utility's cogeneration rate is filed for the commission's approval in the electric utility's tariff on or before January 15 of every odd-numbered year as required in 4 CSR 240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings section (4). The cogeneration rate is stated in dollars per kilowatt-hour or cents per kilowatt-hour on the cogeneration rate

**tariff sheet and, likewise, the net metering rate shall be stated in dollars per kilowatt-hour or cents per kilowatt-hour on the net metering rate tariff sheet.**

**//(7)/(9) Interconnection Agreement.**

(A) Each customer-generator and electric utility shall enter into the interconnection agreement included herein.

**1. If the electric utility so chooses, it may allow customers to apply electronically through the electric utility's website.**

**A. The interconnection agreement on the electric utility's website shall substantially be the same as the interconnection agreement included herein.**

**B. The electronic agreement shall be reviewed by staff prior to being placed on the electric utility's website.**

**C. The electric utility shall notify staff of any revisions to the electronic agreement on its website within ten (10) working days of when the electronic agreement is revised.**

**(B) References to a solar rebate in the interconnection agreement included herein are not required for electric utilities that are not required to offer solar rebates.**

**//(B)/(C)** Applications by a customer-generator for interconnection of a qualified electric energy generation unit to the distribution system shall be accompanied by the plan for the customer-generator's electrical generating system including, but not limited to, a wiring diagram and specifications for the generating unit, and shall be reviewed and responded to by the electric utility within thirty (30) days of receipt for systems ten kilowatts (10 kW) or less and within ninety (90) days of receipt for all other systems. Prior to the interconnection of the qualified generation unit to the electric utility's system, the customer-generator will furnish the electric utility a certification from a qualified professional electrician or engineer that the installation meets the requirements of subsections **//(5)/(6)(A)** and **//(5)/(6)(B)**. If the application for interconnection is approved by the electric utility and the customer-generator does not complete the interconnection within one (1) year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

**//(C)/(D)** Upon the change in ownership of a qualified electric energy generation unit, the new customer-generator shall be responsible for filing a new application.

**//(8)/(10) Electric Utility Reporting Requirements.** Each year prior to April 15, every electric utility shall:**/—**

(A) Submit an annual net metering report to the commission and make said report available to a consumer of the electric utility upon request, including the following information for the previous calendar year:

1. The total number of customer-generator facilities connected to its distribution system;

2. The total estimated generating capacity of customer-generators that are connected to its distribution system; and

3. The total estimated net kilowatt-hours received from customer-generators; and

(B) Supply to the manager of the energy department of the commission a copy of the standard information regarding net metering and interconnection requirements provided to customers or posted on the electric utility's website.

[INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING  
SYSTEMS WITH CAPACITY OF ONE HUNDRED  
KILOWATTS (100 kW) OR LESS

For Customers Applying for Interconnection:

If you are interested in applying for interconnection to [Utility Name]'s electrical system, you should first contact [Utility Name] and ask for information related to interconnection of parallel generation equipment to [Utility Name]'s system and you should understand this information before proceeding with this Application.

If you wish to apply for interconnection to [Utility Name]'s electrical system, please complete sections A, B, C, and D, and attach the plans and specifications, including, but not limited to, describing the net metering, parallel generation, and interconnection facilities (hereinafter collectively referred to as the "Customer-Generator's System") and submit them to [Utility Name] at:

[Utility Mailing Address]

The company will provide notice of approval or denial within thirty (30) days of receipt by [Utility Name] for Customer-Generators of ten kilowatts (10 kW) or less and within ninety (90) days of receipt by [Utility Name] for Customer-Generators of greater than ten kilowatts (10 kW). If this Application is denied, you will be provided with the reason(s) for the denial. If this Application is approved and signed by both you and [Utility Name], it shall become a binding contract and shall govern your relationship with [Utility Name].

For Customers Who Have Received Approval of  
Customer-Generator System Plans and Specifications:

After receiving approval of your Application, it will be necessary to construct the Customer-Generator System in compliance with the plans and specifications described in the Application, complete sections E and F of this Application, and forward this Application to [Utility Name] for review and completion of section G at:

[Utility Mailing Address]

Prior to the interconnection of the qualified generation unit to [Utility Name] system, the customer-generator will furnish [Utility name] a certification from a qualified professional electrician or engineer that the installation meets the plans and specification described in the application. If the application for interconnection is approved by [Utility Name] and the customer-generator does not complete the interconnection within one (1) year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

[Utility Name] will complete the utility portion of section G and, upon receipt of a completed Application/Agreement form and payment of any applicable fees, schedule a date for interconnection of the Customer-Generator System to [Utility Name]'s electrical system within fifteen (15) days of receipt by [Utility Name] if electric service already exists to the premises, unless the Customer-Generator and [Utility Name] agree to a later date. Similarly, upon receipt of a completed Application/Agreement form and payment of any applicable fees, if electric service does not exist to the premises, [Utility Name] will schedule a date for interconnection of the Customer-Generator System to [Utility Name]'s electrical system no later than fifteen (15) days after service is established to the premises, unless the Customer-Generator and [Utility Name] agree to a later date.

For Customers Who Are Assuming Ownership or Operational  
Control of an Existing Customer-Generator System:

If no changes are being made to the existing Customer-Generator System, complete sections A, D, and F of this Application/Agreement and forward to [Utility Name] at:

[Utility Mailing Address]

[Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days of receipt by [Utility Name] if the new Customer-Generator has satisfactorily completed Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. There are no fees or charges for the Customer-Generator who is assuming ownership or operational control of an existing Customer-Generator System if no modifications are being proposed to that System.

**A. Customer-Generator's Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Service/Street Address (if different from above): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Emergency Contact Phone: \_\_\_\_\_

[Utility Name] Account No. (from Utility Bill): \_\_\_\_\_

**B. Customer-Generator's System Information**

Manufacturer Name Plate (if applicable) AC Power Rating: \_\_\_\_\_ kW Voltage: \_\_\_\_\_ Volts

System Type: ☐ Solar/Thermal ☐ Wind ☐ Fuel Cell ☐ Thermal ☐ Photovoltaic ☐ Hydroelectric ☐ Other  
(describe) \_\_\_\_\_

Service/Street Address: \_\_\_\_\_

Inverter/Interconnection Equipment Manufacturer: \_\_\_\_\_

Inverter/Interconnection Equipment Model No.: \_\_\_\_\_

Are required System Plans, Specifications, & Writing Diagram attached? Yes ☐ No ☐

Inverter/Interconnection Equipment Location (describe): \_\_\_\_\_

Outdoor Manual/Utility Accessible & Lockable Disconnect Switch Location (describe): \_\_\_\_\_

Existing Electrical Service Capacity: \_\_\_\_\_ Amperes Voltage: \_\_\_\_\_ Volts

Service Character: Single Phase ☐ Three Phase ☐

**C. Installation Information/Hardware and Installation Compliance**

Person or Company Installing: \_\_\_\_\_

Contractor's License No. (if applicable): \_\_\_\_\_

Approximate Installation Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Person or Agency Who Will Inspect/Certify Installation: \_\_\_\_\_

The Customer-Generator's proposed System hardware complies with all applicable National Electrical Safety Code (NESC), National Electrical Code (NEC), Institute of Electrical and Electronics Engineers (IEEE) and Underwriters Laboratories (UL) requirements for electrical equipment and their installation. As applicable to System type, these requirements include, but are not limited to, UL 1741 and IEEE 1547. The proposed installation complies with all applicable local electrical codes and all reasonable safety requirements of [Utility Name]. The proposed System has a lockable, visible disconnect device, accessible at all times to [Utility Name] personnel. The System is only required to include one lockable, visible disconnect device, accessible to [Utility Name]. If the interconnection equipment is equipped with a visible, lockable, and accessible disconnect, no redundant device is needed to meet this requirement. The Customer-Generator's proposed System has functioning controls to prevent voltage flicker, DC injection, overvoltage, undervoltage, overfrequency, underfrequency, and overcurrent, and to provide for System synchronization to [Utility Name]'s electrical system. The proposed System does have an anti-islanding function that prevents the generator from continuing to supply power when [Utility Name]'s electric system is not energized or operating normally. If the proposed System is designed to provide uninterruptible power to critical loads, either through energy storage or back-up generation, the proposed System includes a parallel blocking scheme for this backup source that prevents any backflow of power to [Utility Name]'s electrical system when the electrical system is not energized or not operating normally.

Signed (Installer): \_\_\_\_\_ Date: \_\_\_\_\_

Name (Print): \_\_\_\_\_

#### D. Additional Terms and Conditions

In addition to abiding by [Utility Name]'s other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

##### 1) Operation/Disconnection

If it appears to [Utility Name], at any time, in the reasonable exercise of its judgment, that operation of the Customer-Generator's System is adversely affecting safety, power quality, or reliability of [Utility Name]'s electrical system, [Utility Name] may immediately disconnect and lock-out the Customer-Generator's System from [Utility Name]'s electrical system. The Customer-Generator shall permit [Utility Name]'s employees and inspectors reasonable access to inspect, test, and examine the Customer-Generator's System.

##### 2) Liability

Liability insurance is not required for Customer-Generators of ten kilowatts (10 kW) or less. For generators greater than ten kilowatts (10kW), the Customer-Generator agrees to carry no less than one hundred thousand dollars (\$100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the Customer-Generator's System. Insurance may be in the form of an existing policy or an endorsement on an existing policy. Customer-generators, including those whose systems are ten kilowatts (10 kW) or less, may have legal liabilities not covered under their existing insurance policy in the event the customer-generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.

##### 3) Metering and Distribution Costs

A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for [Utility Name]

to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse [Utility Name] for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by [Utility Name], and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-generator over the course of up to twelve (12) billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

#### 4) Energy Pricing and Billing

The net electric energy delivered to the Customer-Generator shall be billed in accordance with rate schedule(s) [Utility's Applicable Rate Schedules]. The value of the electric energy delivered by the Customer-Generator to [Utility Name] shall be credited in accordance with rate schedule(s) [Utility's Applicable Rate Schedules].

Net electrical energy measurement shall be calculated in the following manner:

(a) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(b) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(c) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period and shall be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours generated during the billing period, with this credit applied to the following billing period.

(d) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve (12) months after their issuance, or when the customer-generator disconnects service or terminates the net metering relationship with the supplier.

#### 5) Terms and Termination Rights

This Agreement becomes effective when signed by both the Customer-Generator and [Utility Name], and shall continue in effect until terminated. After fulfillment of any applicable initial tariff or rate schedule term, the Customer-Generator may terminate this Agreement at any time by giving [Utility Name] at least thirty (30) days prior written notice. In such event, the Customer-Generator shall, no later than the date of termination of Agreement, completely disconnect the Customer-Generator's System from parallel operation with [Utility Name]'s system. Either party may terminate this Agreement by giving the other party at least thirty (30) days prior written notice that the other party is in default of any of the terms and conditions of this Agreement, so long as the notice specifies the basis for termination, and there is an opportunity to cure the default. This Agreement may also be terminated at any time by mutual agreement of the Customer-Generator and [Utility Name]. This agreement may also be terminated, by approval of the Commission, if there is a change in statute that is determined to be applicable to this contract and necessitates its termination.

#### 6) Transfer of Ownership

If operational control of the Customer-Generator's System transfers to any other party than the Customer-Generator, a new Application/Agreement must be completed by the person or persons taking over operational control of the existing Customer-Generator System. [Utility Name] shall be notified no less than

thirty (30) days before the Customer-Generator anticipates transfer of operational control of the Customer-Generator's System. The person or persons taking over operational control of Customer-Generator's System must file a new Application/Agreement, and must receive authorization from [Utility Name], before the existing Customer-Generator System can remain interconnected with [Utility Name]'s electrical system. The new Application/Agreement will only need to be completed to the extent necessary to affirm that the new person or persons having operational control of the existing Customer-Generator System completely understand the provisions of this Application/Agreement and agree to them. If no changes are being made to the Customer-Generator's System, completing sections A, D, and F of this Application/Agreement will satisfy this requirement. If no changes are being proposed to the Customer-Generator System, [Utility Name] will assess no charges or fees for this transfer. [Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days if the new Customer-Generator has satisfactorily completed the Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. [Utility Name] will then complete section G and forward a copy of the completed Application/Agreement back to the new Customer-Generator, thereby notifying the new Customer-Generator that the new Customer-Generator is authorized to operate the existing Customer-Generator System in parallel with [Utility Name]'s electrical system. If any changes are planned to be made to the existing Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics, then the Customer-Generator shall submit to [Utility Name] a new Application/Agreement for the entire Customer-Generator System and all portions of the Application/Agreement must be completed.

#### 7) Dispute Resolution

If any disagreements between the Customer-Generator and [Utility Name] arise that cannot be resolved through normal negotiations between them, the disagreements may be brought to the Missouri Public Service Commission by either party, through an informal or formal complaint. Procedures for filing and processing these complaints are described in 4 CSR 240-2.070. The complaint procedures described in 4 CSR 240-2.070 apply only to retail electric power suppliers to the extent that they are regulated by the Missouri Public Service Commission.

#### 8) Testing Requirement

IEEE 1547 requires periodic testing of all interconnection related protective functions. The Customer-Generator must, at least once every year, conduct a test to confirm that the Customer-Generator's net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from [Utility Name]'s electrical system. Disconnecting the net metering unit from [Utility Name]'s electrical system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test. The Customer-Generator shall maintain a record of the results of these tests and, upon request by [Utility Name], shall provide a copy of the test results to [Utility Name]. If the Customer-Generator is unable to provide a copy of the test results upon request, [Utility Name] shall notify the Customer-Generator by mail that Customer-Generator has thirty (30) days from the date the Customer-Generator receives the request to provide to [Utility Name], the results of a test. If the Customer-Generator's equipment ever fails this test, the Customer-Generator shall immediately disconnect the Customer-Generator's System from [Utility Name]'s system. If the Customer-Generator does not provide results of a test to [Utility Name] within thirty (30) days of receiving a request from [Utility Name] or the results of the test provided to [Utility Name] show that the Customer-Generator's net metering unit is not functioning correctly, [Utility Name] may immediately disconnect the Customer-Generator's System from [Utility Name]'s system. The Customer-Generator's System shall not be reconnected to [Utility Name]'s electrical system by the Customer-Generator until the Customer-Generator's System is repaired and operating in a normal and safe manner.

I have read, understand, and accept the provisions of Section D, subsections 1 through 8 of this Application/Agreement.

Signed (Customer-Generator): \_\_\_\_\_ Date: \_\_\_\_\_

E. Electrical Inspection

The Customer-Generator System referenced above satisfies all requirements noted in Section C.

Inspector Name (print): \_\_\_\_\_  
Inspector Certification: Licensed Engineer in Missouri \_\_\_\_ Licensed Electrician in Missouri \_\_\_\_ License No. \_\_\_\_\_

Signed (Inspector): \_\_\_\_\_ Date: \_\_\_\_\_

F. Customer-Generator Acknowledgement

I am aware of the Customer-Generator System installed on my premises and I have been given warranty information and/or an operational manual for that system. Also, I have been provided with a copy of [Utility Name]'s parallel generation tariff or rate schedule (as applicable) and interconnection requirements. I am familiar with the operation of the Customer-Generator System.

I agree to abide by the terms of this Application/Agreement and I agree to operate and maintain the Customer-Generator System in accordance with the manufacturer's recommended practices as well as [Utility Name]'s interconnection standards. If, at any time and for any reason, I believe that the Customer-Generator System is operating in an unusual manner that may result in any disturbances on [Utility Name]'s electrical system, I shall disconnect the Customer-Generator System and not reconnect it to [Utility Name]'s electrical system until the Customer-Generator System is operating normally after repair or inspection. Further, I agree to notify [Utility Name] no less than thirty (30) days prior to modification of the components or design of the Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics. I acknowledge that any such modifications will require submission of a new Application/Agreement to [Utility Name].

I agree not to operate the Customer-Generator System in parallel with [Utility Name]'s electrical system until this Application/Agreement has been approved by [Utility Name].

Signed (Customer-Generator): \_\_\_\_\_ Date: \_\_\_\_\_

G. Utility Application Approval (*completed by* [Utility Name])

[Utility Name] does not, by approval of this Application/Agreement, assume any responsibility or liability for damage to property or physical injury to persons due to malfunction of the Customer-Generator's System or the Customer-Generator's negligence.

This Application is approved by [Utility Name] on this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

[Utility Name] Representative Name (print): \_\_\_\_\_

Signed [Utility Name] Representative: \_\_\_\_\_ ]

**INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING  
SYSTEMS WITH CAPACITY OF ONE HUNDRED  
KILOWATTS (100 kW) OR LESS**

[Utility Name and Mailing Address]

**For Customers Applying for Interconnection:**

If you are interested in applying for interconnection to [Utility Name]'s electrical system, you should first contact [Utility Name] and ask for information related to interconnection of parallel generation equipment to [Utility Name]'s system and you should understand this information before proceeding with this Application.

If you wish to apply for interconnection to [Utility Name]'s electrical system, please complete sections A, B, C, and D, and attach the plans and specifications, including, but not limited to, describing the net metering, parallel generation, and interconnection facilities (hereinafter collectively referred to as the "Customer-Generator's System") and submit them to [Utility Name] at the address above. The company will provide notice of approval or denial within thirty (30) days of receipt by [Utility Name] for Customer-Generators of ten kilowatts (10 kW) or less and within ninety (90) days of receipt by [Utility Name] for Customer-Generators of greater than ten kilowatts (10 kW). If this Application is denied, you will be provided with the reason(s) for the denial. If this Application is approved and signed by both you and [Utility Name], it shall become a binding contract and shall govern your relationship with [Utility Name].

**For Customers Who Have Received Approval of  
Customer-Generator System Plans and Specifications:**

After receiving approval of your Application, it will be necessary to construct the Customer-Generator System in compliance with the plans and specifications described in the Application, complete sections E and F of this Application, and forward this Application to [Utility Name] for review and completion of section I at the address above. Prior to the interconnection of the qualified generation unit to [Utility Name] system, the customer-generator will furnish [Utility Name] a certification from a qualified professional electrician or engineer that the installation meets the plans and specification described in the application. If the application for interconnection is approved by [Utility Name] and the customer-generator does not complete the interconnection within one (1) year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

[Utility Name] will complete the utility portion of section I and, upon receipt of a completed Application/Agreement form and payment of any applicable fees, schedule a date for interconnection of the Customer-Generator System to [Utility Name]'s electrical system within fifteen (15) days of receipt by [Utility Name] if electric service already exists to the premises, unless the Customer-Generator and [Utility Name] agree to a later date. Similarly, upon receipt of a completed Application/Agreement form and payment of any applicable fees, if electric service does not exist to the premises, [Utility Name] will schedule a date for interconnection of the Customer-Generator System to [Utility Name]'s electrical system no later than fifteen (15) days after service is established to the premises, unless the Customer-Generator and [Utility Name] agree to a later date.

**For Customers Who Are Installing Solar Systems:**

Upon completion of section G and H, a rebate of \$2/watt up to 25,000 watts (25kW) is available from [Utility Name] on an expanded or new system that becomes operational after 12/31/2009 with a maximum rebate of \$50,000.

**For Customers Who Are Assuming Ownership or Operational  
Control of an Existing Customer-Generator System:**

If no changes are being made to the existing Customer-Generator System, complete sections A, F, and H of this Application/Agreement and forward to [Utility Name] at the address above. [Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days of receipt by [Utility Name] if the new Customer-Generator has satisfactorily completed Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. There are no fees or charges for the Customer-Generator who is assuming ownership or operational control of an existing Customer-Generator System if no modifications are being proposed to that System.

**A. Customer-Generator's Information**

Name on [Utility Name] Electric Account: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Service/Street Address (if different from above): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Emergency Contact Phone: \_\_\_\_\_

[Utility Name] Account No. (from Utility Bill): \_\_\_\_\_

If account has multiple meters, provide the meter number to be used for net metering: \_\_\_\_\_

**B. Customer-Generator's System Information**

Manufacturer Name Plate Power Rating: \_\_\_\_\_ kW AC or DC (circle one)

Voltage: \_\_\_\_\_ Volts

System Type: ☐ Wind ☐ Fuel Cell ☐ Solar Thermal ☐ Photovoltaic ☐ Hydroelectric ☐ Other (describe) \_\_\_\_\_

Inverter/Interconnection Equipment Manufacturer: \_\_\_\_\_

Inverter/Interconnection Equipment Model No.: \_\_\_\_\_

Inverter/Interconnection Equipment Location (describe): \_\_\_\_\_

Outdoor Manual/Utility Accessible &amp; Lockable Disconnect Switch Distance from meter: \_\_\_\_\_

Describe the location of the disconnect switch: \_\_\_\_\_

Existing Electrical Service Capacity: \_\_\_\_\_ Amperes Voltage: \_\_\_\_\_ Volts

Service Character: ☐ Single Phase ☐ Three Phase

Total capacity of existing customer-generator system (if applicable): \_\_\_\_\_ kW

**System Plans, Specifications, and Wiring Diagram must be attached for a valid application.****C. Installation Information/Hardware and Installation Compliance**

Company Installing System: \_\_\_\_\_

Contact Person of Company Installing System: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Contractor's License No. (if applicable): \_\_\_\_\_

Approximate Installation Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Person or Agency Who Will Inspect/Certify Installation: \_\_\_\_\_

The Customer-Generator's proposed System hardware complies with all applicable National Electrical Safety Code (NESC), National Electrical Code (NEC), Institute of Electrical and Electronics Engineers (IEEE), and Underwriters Laboratories (UL) requirements for electrical equipment and their installation. As applicable to System type, these requirements include, but are not limited to, UL 1741 and IEEE 1547. The proposed installation complies with all applicable local electrical codes and all reasonable safety requirements of [Utility Name]. The proposed System has a lockable, visible AC disconnect device, accessible at all times to [Utility Name] personnel. The System is only required to include one lockable, visible disconnect device, accessible to [Utility Name]. If the interconnection equipment is equipped with a visible, lockable, and accessible disconnect, no redundant device is needed to meet this requirement. The Customer-Generator's proposed System has functioning controls to prevent voltage flicker, DC injection, overvoltage, undervoltage, overfrequency,

underfrequency, and overcurrent, and to provide for System synchronization to [Utility Name]'s electrical system. The proposed System does have an anti-islanding function that prevents the generator from continuing to supply power when [Utility Name]'s electric system is not energized or operating normally. If the proposed System is designed to provide uninterruptible power to critical loads, either through energy storage or back-up generation, the proposed System includes a parallel blocking scheme for this backup source that prevents any backflow of power to [Utility Name]'s electrical system when the electrical system is not energized or not operating normally.

Signed (Installer): \_\_\_\_\_ Date: \_\_\_\_\_

#### **D. Additional Terms and Conditions**

In addition to abiding by [Utility Name]'s other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

##### **1) Operation/Disconnection**

If it appears to [Utility Name], at any time, in the reasonable exercise of its judgment, that operation of the Customer-Generator's System is adversely affecting safety, power quality, or reliability of [Utility Name]'s electrical system, [Utility Name] may immediately disconnect and lock-out the Customer-Generator's System from [Utility Name]'s electrical system. The Customer-Generator shall permit [Utility Name]'s employees and inspectors reasonable access to inspect, test, and examine the Customer-Generator's System.

##### **2) Liability**

Liability insurance is not required for Customer-Generators of ten kilowatts (10 kW) or less. For generators greater than ten kilowatts (10 kW), the Customer-Generator agrees to carry no less than one hundred thousand dollars (\$100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the Customer-Generator's System. Insurance may be in the form of an existing policy or an endorsement on an existing policy. Customer-generators, including those whose systems are ten kilowatts (10 kW) or less, may have legal liabilities not covered under their existing insurance policy in the event the customer-generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.

##### **3) Metering and Distribution Costs**

A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for [Utility Name] to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse [Utility Name] for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by [Utility Name], and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-generator over the course of up to twelve (12) billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

**4) Ownership of Renewable Energy Credits or Renewable Energy Certificates (RECs)**

RECs created through the generation of electricity by the customer-owner are owned by the customer-generator until explicitly transferred to another entity. Nothing in this contract gives [Utility Name] any preferential entitlement to the RECs generated by the customer-generator's system.

**5) Energy Pricing and Billing**

The net electric energy delivered to the Customer-Generator shall be billed in accordance with net metering rate schedule(s) [Utility's Applicable Rate Schedules]. The value of the electric energy delivered by the Customer-Generator to [Utility Name] shall be credited in accordance with rate schedule(s) [Utility's Applicable Rate Schedules].

Net electrical energy measurement shall be calculated in the following manner:

(a) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(b) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(c) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period and shall be credited an amount for the excess kilowatt-hours generated during the billing period at the net metering rate identified in [Utility Name's] tariff filed at the Public Service Commission, with this credit applied to the following billing period; and

(d) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve (12) months after their issuance, or when the customer-generator disconnects service or terminates the net metering relationship with the supplier.

**6) Terms and Termination Rights**

This Agreement becomes effective when signed by both the Customer-Generator and [Utility Name], and shall continue in effect until terminated. After fulfillment of any applicable initial tariff or rate schedule term, the Customer-Generator may terminate this Agreement at any time by giving [Utility Name] at least thirty (30) days prior written notice. In such event, the Customer-Generator shall, no later than the date of termination of Agreement, completely disconnect the Customer-Generator's System from parallel operation with [Utility Name]'s system. Either party may terminate this Agreement by giving the other party at least thirty (30) days prior written notice that the other party is in default of any of the terms and conditions of this Agreement, so long as the notice specifies the basis for termination, and there is an opportunity to cure the default. This Agreement may also be terminated at any time by mutual agreement of the Customer-Generator and [Utility Name]. This Agreement may also be terminated, by approval of the commission, if there is a change in statute that is determined to be applicable to this contract and necessitates its termination.

**7) Transfer of Ownership**

If operational control of the Customer-Generator's System transfers to any other party than the Customer-Generator, a new Application/Agreement must be completed by the person or persons taking over operational control of the existing Customer-Generator System. [Utility Name] shall be notified no less than thirty (30) days before the Customer-Generator anticipates transfer of operational control of the Customer-Generator's System. The person or persons taking over operational control of Customer-Generator's System

must file a new Application/Agreement, and must receive authorization from [Utility Name], before the existing Customer-Generator System can remain interconnected with [Utility Name]'s electrical system. The new Application/Agreement will only need to be completed to the extent necessary to affirm that the new person or persons having operational control of the existing Customer-Generator System completely understand the provisions of this Application/Agreement and agree to them. If no changes are being made to the Customer-Generator's System, completing sections A, F, and H of this Application/Agreement will satisfy this requirement. If no changes are being proposed to the Customer-Generator System, [Utility Name] will assess no charges or fees for this transfer. [Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days if the new Customer-Generator has satisfactorily completed the Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. [Utility Name] will then complete section I and forward a copy of the completed Application/Agreement back to the new Customer-Generator, thereby notifying the new Customer-Generator that the new Customer-Generator is authorized to operate the existing Customer-Generator System in parallel with [Utility Name]'s electrical system. If any changes are planned to be made to the existing Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics, then the Customer-Generator shall submit to [Utility Name] a new Application/Agreement for the entire Customer-Generator System and all portions of the Application/Agreement must be completed.

#### **8) Dispute Resolution**

If any disagreements between the Customer-Generator and [Utility Name] arise that cannot be resolved through normal negotiations between them, the disagreements may be brought to the Missouri Public Service Commission by either party, through an informal or formal complaint. Procedures for filing and processing these complaints are described in 4 CSR 240-2.070. The complaint procedures described in 4 CSR 240-2.070 apply only to retail electric power suppliers to the extent that they are regulated by the Missouri Public Service Commission.

#### **9) Testing Requirement**

IEEE 1547 requires periodic testing of all interconnection related protective functions. The Customer-Generator must, at least once every year, conduct a test to confirm that the Customer-Generator's net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from [Utility Name]'s electrical system. Disconnecting the net metering unit from [Utility Name]'s electrical system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test. The Customer-Generator shall maintain a record of the results of these tests and, upon request by [Utility Name], shall provide a copy of the test results to [Utility Name]. If the Customer-Generator is unable to provide a copy of the test results upon request, [Utility Name] shall notify the Customer-Generator by mail that Customer-Generator has thirty (30) days from the date the Customer-Generator receives the request to provide to [Utility Name], the results of a test. If the Customer-Generator's equipment ever fails this test, the Customer-Generator shall immediately disconnect the Customer-Generator's System from [Utility Name]'s system. If the Customer-Generator does not provide results of a test to [Utility Name] within thirty (30) days of receiving a request from [Utility Name] or the results of the test provided to [Utility Name] show that the Customer-Generator's net metering unit is not functioning correctly, [Utility Name] may immediately disconnect the Customer-Generator's System from [Utility Name]'s system. The Customer-Generator's System shall not be reconnected to [Utility Name]'s electrical system by the Customer-Generator until the Customer-Generator's System is repaired and operating in a normal and safe manner.

I have read, understand, and accept the provisions of Section D, subsections 1 through 9 of this Application/Agreement.

Signed (Customer-Generator): \_\_\_\_\_ Date: \_\_\_\_\_  
Must be signature of [Utility Name] account holder (customer)

**E. Electrical Inspection**

The Customer-Generator System referenced above satisfies all requirements noted in Section C.

Inspector Name (print): \_\_\_\_\_

Inspector Certification: Licensed Engineer in Missouri \_\_\_\_ Licensed Electrician in Missouri \_\_\_\_

License No. \_\_\_\_\_

Signed (Inspector): \_\_\_\_\_ Date: \_\_\_\_\_

**F. Customer-Generator Acknowledgement**

I am aware of the Customer-Generator System installed on my premises and I have been given warranty information and/or an operational manual for that system. Also, I have been provided with a copy of [Utility Name]'s parallel generation tariff or rate schedule (as applicable) and interconnection requirements. I am familiar with the operation of the Customer-Generator System.

I agree to abide by the terms of this Application/Agreement and I agree to operate and maintain the Customer-Generator System in accordance with the manufacturer's recommended practices as well as [Utility Name]'s interconnection standards. If, at any time and for any reason, I believe that the Customer-Generator System is operating in an unusual manner that may result in any disturbances on [Utility Name]'s electrical system, I shall disconnect the Customer-Generator System and not reconnect it to [Utility Name]'s electrical system until the Customer-Generator System is operating normally after repair or inspection. Further, I agree to notify [Utility Name] no less than thirty (30) days prior to modification of the components or design of the Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics. I acknowledge that any such modifications will require submission of a new Application/Agreement to [Utility Name].

I agree not to operate the Customer-Generator System in parallel with [Utility Name]'s electrical system until this Application/Agreement has been approved by [Utility Name].

Signed (Customer-Generator): \_\_\_\_\_ Date: \_\_\_\_\_

**G. Solar Rebate (For Solar Installations only)**

Solar Module Manufacturer: \_\_\_\_\_ Inverter Rating: \_\_\_\_\_ kW  
Solar Module Model No.: \_\_\_\_\_ Number of Modules/Panel: \_\_\_\_\_  
Module Rating: \_\_\_\_\_ DC watts System Rating (sum of solar panels): \_\_\_\_\_ kW  
Module Warranty: \_\_\_\_\_ years (circle on spec sheet)  
Inverter Warranty: \_\_\_\_\_ years (circle on spec sheet)  
Location of Modules: \_\_\_\_\_ Roof \_\_\_\_\_ Ground Installation Type: \_\_\_\_\_ Fixed \_\_\_\_\_ Ballast  
System Installation Date: \_\_\_\_\_

**Solar system must be permanently installed on the applicant's premises for a valid application**

**Required documents to receive solar rebate (required to be attached for a valid application):**

Copies of detail receipts/invoices with purchase date circled  
Copies of detail spec sheets on each component  
Copies of proof of warranty sheet (minimum of 10 year warranty)  
Photo(s) of completed system  
Completed Taxpayer Information Form

**H. Solar Rebate Declaration (For Solar Installations only)**

I understand that this program has a limited budget, and that application will be accepted on a first-come, first-served basis, while funds are available. It is possible that I may be notified I have been placed on a waiting list for the next year's rebate program if funds run out for the current year. This program may be modified or discontinued at any time without notice from [Utility Name].

I understand that the solar system must be permanently installed and remain in place on premises for the duration of its useful life – a minimum of 10 years.

I understand the equipment must be new when installed, commercially available, and carry a minimum 10-year warranty.

I understand a rebate of \$2/watt up to 25,000 watts (25 kW) is available from [Utility Name] on expanded or new systems that become operational after 12/31/2009 with a maximum rebate of \$50,000.

I understand the DC wattage rating provided by the original manufacturer and as noted in section G will be used to determine rebate amount.

I understand business corporations receiving a rebate of \$600 or more will receive a 1099. (Please consult your tax advisor with any questions.)

The undersigned warrants, certifies, and represents that the information provided in this form is true and correct to the best of my knowledge; and the installation meets all Missouri Net Metering and Solar Electric Rebate program requirements.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Installer's Signature

\_\_\_\_\_  
Print Solar Rebate Applicant's Name

\_\_\_\_\_  
Print Installer's Name

**I. Utility Application/Agreement Approval (*completed by* [Utility Name])**

[Utility Name] does not, by approval of this Application/Agreement, assume any responsibility or liability for damage to property or physical injury to persons due to malfunction of the Customer-Generator's System or the Customer-Generator's negligence.

This Application is approved by [Utility Name] on this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).  
[Utility Name] Representative Name (print): \_\_\_\_\_

Signed [Utility Name] Representative: \_\_\_\_\_

**AUTHORITY:** *section 386.250, RSMo 2000, and section 386.890.9, RSMo Supp. 2011. Original rule filed March 11, 2003, effective Aug. 30, 2003. Amended: Filed June 17, 2008, effective Feb. 28, 2009. Amended: Filed Feb. 20, 2009, effective Oct. 30, 2009. Amended: Filed Jan. 26, 2012.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 2, 2012, and should include a reference to Commission Case No. EX-2012-0193. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for Tuesday, April 3, 2012, at 10:00 a.m. in Room 305 of the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 100—Office of Quality Schools**

**PROPOSED RULE**

**5 CSR 20-100.250 Charter Schools**

**PURPOSE:** *This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education to evaluate charter sponsors relating to the standards for sponsorship, as authorized by section 160.400.14, RSMo Supp. 2011.*

(1) Charter sponsorship and continued receipt of state funds to defray the expense of charter sponsorship shall be based on the determination that a charter sponsor remains in good standing with the sponsorship obligations outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo.

(2) In determining good standing under this section, the Department of Elementary and Secondary Education (department) shall evaluate charter sponsor policies and practices in the following areas:

- (A) Charter application approval;
- (B) Required charter agreement terms and content;
- (C) Sponsor performance evaluation and compliance monitoring; and
- (D) Charter renewal, intervention, and revocation decisions.

(3) The charter sponsor's approval process shall include an application that provides sufficient information for a rigorous evaluation of

the proposed charter and provides clear documentation of a quality education program; effective governance and management structures; and a sustainable operational plan.

(4) A charter approved by the charter sponsor should include a description of the obligations and responsibilities of the charter school, as outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo, and provide for—

(A) An annual review of the charter school's compliance with statutory standards, including:

- 1. Participation in the statewide system of assessments, as designated by the State Board of Education (board) pursuant to section 160.518, RSMo;
- 2. Assurances for the completion and distribution of an annual report card as prescribed in section 160.522, RSMo;
- 3. The collection of baseline data during at least the first three (3) years of operation to determine the longitudinal success of the charter school;
- 4. A method to measure pupil progress toward the pupil academic standards adopted by the board pursuant to section 160.514, RSMo; and
- 5. Publication of each charter school's Annual Performance Report (APR);

(B) Procedures, consistent with the *Missouri Financial Accounting Manual*, for monitoring the financial accountability of the charter, which shall include:

- 1. An annual audit by a certified public accountant, published audit reports and annual financial reports as provided in Chapter 165, RSMo;
  - 2. Compliance with all federal audit requirements established for charter schools with local education agency status; and
  - 3. Compliance with the requirements of any audit by petition under section 29.230, RSMo, for a political subdivision of the state;
- (C) Pre-opening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening; and

(D) Procedures in place in the event of charter school closure, including:

- 1. The archival of student records;
- 2. The archival of business operations records;
- 3. Submission of final financial reports;
- 4. Resolution of any remaining financial obligations; and
- 5. The disposition of charter school assets.

(5) For charter schools that are recipients of a federal Charter School Program Grant, a determination that—

(A) Each authorized charter in the state operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the sponsor; and demonstrate improved student academic achievement; and

(B) Sponsors use increases in student academic achievement for all groups of students, as described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act, as the most important factor when determining to renew or revoke a school's charter.

(6) Intervention, renewal, and revocation policies of the charter sponsor shall outline the conditions in which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term. These policies shall include the following minimum standards:

(A) Intervention policies during the charter term should give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and should mandate intervention based upon findings of the board of the following:

1. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent (70%) in three (3) of the last four (4) school years;

2. The charter school's APR results are below that of the district in which the charter school is located for standards applicable to its building configuration three (3) of the last four (4) school years; or

3. The charter school is identified as a persistently lowest-achieving school by the department;

(B) Renewal process and decisions are based on the thorough analysis of a comprehensive body of objective evidence and should consider if—

1. The charter school has maintained APR results that meet or exceed the district in which the charter school is located for standards applicable to its building configuration;

2. The charter school is organizationally and fiscally viable determining at minimum that the school does not have—

A. A negative balance in its operating funds;

B. A combined balance of less than three percent (3%) of the amount expended for such funds during the previous fiscal year; or

C. Expenditure that exceeds receipts for the most recently completed fiscal year; and

3. The charter school has been faithful to the terms of the contract and applicable law; and

(C) Revocation during the charter term if—

1. There is clear evidence of underperformance as demonstrated in the charter school's APR in three (3) of the last four (4) school years; or

2. There is a violation of the law or the public trust that imperils students or public funds.

(7) The department shall provide to the sponsor the information submitted in the Annual Secretary of the Board Report (ASBR) to help identify charter schools in financial stress.

(A) The sponsor will notify the governing board of the charter school by November 1 of a charter school identified as financially stressed. The charter sponsor shall develop a budget and education plan.

(B) The budget and education plan, signed by the officers of the charter school as well as the sponsor, shall be submitted to the department within forty-five (45) calendar days of notification that the charter school has been identified as experiencing financial stress.

(C) Upon receipt, and review of any budget and education plan, the department may make suggestions to improve the plan.

(8) If the department determines that a sponsor is in material non-compliance with its sponsorship duties, the charter sponsor shall be notified and be given reasonable time for remediation.

(9) If remediation does not address the compliance issues identified by the department, the Commissioner of Education or a designee shall conduct a public hearing, and thereafter, provide notice to the charter sponsor of corrective action that will be recommended to the board.

(A) Corrective action by the department may include:

1. Capping the number of charters that may be issued by the sponsor;

2. A moratorium on payment of state charter sponsorship funds; and/or

3. Suspension or revocation of the charter sponsorship authority.

(B) The charter sponsor may, within thirty (30) days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken.

(C) Final determination of corrective action shall be determined by the board based upon a review of the documentation submitted by the department and the charter sponsor.

*AUTHORITY: sections 160.400 and 161.092, RSMo Supp. 2011, and section 2(A) of Art. IX, Mo. Const. Original rule filed Jan. 24, 2012.*

*PUBLIC COST: The purpose of this rule is to assist charter sponsors in compliance with duties that are prescribed by law and implemented by the department with existing staff resources. Therefore, the cost of implementation is estimated to be less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: The purpose of this rule is to assist charter sponsors in compliance with duties that are prescribed by law and implemented by the department with existing staff resources. Therefore, the cost of implementation is estimated to be less than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Margie Vandeven, Assistant Commissioner, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email at [webreplyimprcharter@dese.mo.gov](mailto:webreplyimprcharter@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 10—Division of Employment Security Chapter 5—Appeals

### PROPOSED AMENDMENT

**8 CSR 10-5.030 Telephone Hearings Before a Hearing Officer.**  
This division is amending section (2).

*PURPOSE: This amendment amends the rules regarding participation in a telephone hearing to conform to the use of a telephone conference bridging system.*

(2) Participation.

*[(C) If a hearing officer is unable to contact a party who has provided a number to participate as scheduled by telephone due to land based telephone technical difficulties, the hearing shall not be dismissed but must be rescheduled. For purposes of this regulation, technical difficulties shall not include use of the telephone by the party for other calls, failure of battery powered, digital, or cellular phones due to location or failure of power, or failure to provide access or security codes.]*

*[(D)](C) Whenever a party does not have access to a telephone, the party may appear by telephone from any Workforce Development office. [In that event, the telephone number at that location shall be provided by the participant in accordance with instructions included on the Notice of Hearing.]*

*AUTHORITY: section[s] 288.190, RSMo Supp. 2011, and section 288.220.5, RSMo 2000. Original rule filed Dec. 14, 1982, effective March 13, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 23, 2012.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security; Attn: Gracia Backer, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 10—Director, Department of Mental Health  
Chapter 31—Reimbursement for Services**

**PROPOSED RULE**

**9 CSR 10-31.040 Community Mental Health Center Clinic UPL**

*PURPOSE: This rule establishes the formula to determine supplemental payments under Medicaid subject to the clinic upper payment limit to Community Mental Health Center Clinics (CMHC).*

(1) Definitions. The terms used in this rule shall mean—

(A) Medicare rate is the rate established in the 2010 RVRVS table plus the HPSA add on payment; and

(B) Current Medicaid rate is the rate on file with the MO HealthNet Division at the beginning of the state fiscal year.

(2) Supplemental Payment to Community Mental Health Centers. The Department of Mental Health (DMH) contracts with privately owned and operated Community Mental Health Centers (CMHCs), which act as administrative entities of DMH. The CMHCs are designated as entry and exit points for DMH services and are required to provide a comprehensive array of services to any DMH patients in their designated service areas who seek care.

(3) To recognize the CMHCs' higher costs of doing business and their role as safety net providers, each Missouri CMHC will be paid an annual supplement, calculated at the beginning of each state fiscal year, and payable in quarterly installments. The supplemental payment will increase reimbursement for CMHC-provided clinics to 1.36 times the Medicare rate for such services, an amount that the state reasonably estimates to be comparable to that paid by private commercial payers. The payment will be subject to the clinic upper payment limit established at 42 CFR 447.321.

(4) Amount of Annual Supplemental Payment. Each CMHC's annual payment will be determined using the following methodology.

(A) For each service procedure where there is a corresponding Medicare fee for a CMHC-provided clinic procedure, DMH will subtract the current Medicaid rate from the market proxy of 1.36 times the Medicare rate, then multiply the result by the number of units of service.

(B) For each service procedure where there is no corresponding Medicare fee for a CMHC-provided clinic procedure, DMH will calculate the difference between what the CMHC received under the current Medicaid rate and what the CMHC would have received if paid the cost-based fee used to approximate the commercial rate for such procedures, then multiply the result by the number of units of service.

(C) The amounts calculated in subsections (A) and (B) will be added together to determine each CMHC's total supplemental payment.

(D) In all years subsequent to state fiscal year 2012, the results of these calculations will be multiplied by a trend factor equal to the Consumer Price Index in the expenditure category Medical Care Services/Professional Services.

*AUTHORITY: section 630.050, RSMo Supp. 2011, and sections 630.655 and 632.050, RSMo 2000. Original rule filed Feb. 1, 2012.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions \$3.7 million in SFY 2013.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Melissa Manda, Deputy General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 9 – Department of Mental Health  
**Division Title:** Division 10 – Director, Department of Mental Health  
**Chapter Title:** Chapter 31 – Reimbursement for Services

<b>Rule Number and Name:</b>	9 CSR 10-31.040 Community Mental Health Center Clinic UPL
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Mental Health	SFY 2013 - \$9.6 million; state share of \$3.7 million and federal share of \$5.9 million

**III. WORKSHEET**

Below methodology results in additional payments to Community Mental Health Center Clinics of \$9.6 million of which \$3.7 million is state general revenue and \$5.9 million is federal financial participation.

**IV. ASSUMPTIONS**

Supplemental Payment is Determined as Follows:

(A) For each category of services where there is a corresponding Medicare fee for a CMHC provided clinic procedure, DMH will subtract the current Medicaid rate from the market proxy of 1.36 times the Medicare rate, then multiply the result by the number of units of service.

(B) For each category of service where there is no corresponding Medicare fee for a CMHC provided clinic procedure, DMH will calculate the difference between what the CMHC received under the current Medicaid rate, and what the CMHC would have received if paid the cost-based fee used to approximate the commercial rate for such procedures, then multiply the result by the number of units of service.

(C) The amounts calculated in steps (A) and (B) will be added together to determine each CMHC's total supplemental payment.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 45—Division of [Mental Retardation and]**  
**Developmental Disabilities**  
**Chapter 2—Eligibility for Services**

**PROPOSED AMENDMENT**

**9 CSR 45-2.010 Eligibility for Services From the Division of [Mental Retardation and] Developmental Disabilities.** The division is amending the title of the division, the rule title, the purpose, and sections (1)–(5) and deleting the form that currently follows the authority section in the *Code of State Regulations*.

*PURPOSE: This amendment changes the name of the division to comply with HB 555 and HB 648 which remove the term “mental retardation” from Missouri statutes. The amendment also changes references to “regional centers” to “regional offices,” changes “client” to “individual,” and changes “Division of Family Services” to “Children’s Division.” The amendment also adds a definition for person-centered planning process, adds a definition for service plan, changes the definition of qualified developmental disability professional to be consistent with the Medicaid state plan for targeted case management for persons with developmental disabilities approved by the Centers for Medicare and Medicaid Services in 2009, replaces references to individualized habilitation plan with the service plan, adds a definition for intellectual disabilities consistent with the definition used by the American Association on Intellectual and Developmental Disabilities, and adds references to “intellectual disabilities” where the term “mental retardation” is used.*

*PURPOSE: This rule establishes procedures for how the Division of [Mental Retardation and] Developmental Disabilities determines eligibility for its services. Because the recently revised definition of the term “developmental disability” in section 630.005.1(8), RSMo, changes the population possibly eligible for services from the division, the division must revise its procedures for accepting applications for its services and determining eligibility for those services.*

(1) Through this rule, the department intends to assist applicants for division services as they proceed through the eligibility determination process and to direct division staff so that it may assist applicants and *[clients/ individuals]* in expeditiously obtaining accurate, comprehensive evaluations and needed services. Specifically, the division intends to—

(F) Emphasize that other state, county, and local agencies also have a role to play in delivering coordinated, appropriate services to persons with developmental disabilities;

(G) Expedite and facilitate eligibility determination by—

1. Accepting as automatically eligible for screening those persons referred by other agencies which have found those persons eligible for their services;

2. Accepting, and not duplicating, assessment information provided by other private and public bodies, including schools, if regional *[centers/ offices]* determine that information to be reliable and appropriate;

3. Using the screening process only to facilitate an applicant’s eligibility, not to screen the applicant out of eligibility except an applicant whose disability clearly was not manifested before age twenty-two (22);

4. Combining whenever possible the screening and assessment processes so that they are not necessarily two (2) separate steps in the comprehensive evaluation process, for example, finding applicants eligible at screening, or waiving screening in favor of determining eligibility through assessment; and

5. Making the application and comprehensive evaluation processes easy for applicants, for example, screening or assessing applicants in their homes as feasible or aiding them with transportation to regional *[centers/ offices]* as feasible;

(H) Ensure that eligibility decisions are based upon the following considerations, among others:

1. The best interest of the *[client/ individual]* or applicant; and

2. The *[client’s/ individual’s]* or applicant’s level of adaptive behavior and functioning, including the effect upon the individual’s ability to function at either the same or an improved level of interpersonal and functional skills if services are denied or withdrawn; and

(I) Develop a training curriculum on the eligibility determination process and provide comprehensive initial and ongoing training for regional *[center/ office]* personnel.

(2) Terms defined in sections 630.005, 632.005, and 633.005, RSMo, are incorporated by reference for use in this rule. As used in this rule, unless the context clearly indicates otherwise, the following terms also mean:

(B) Assessment—The process of identifying an individual’s health status and intellectual, emotional, physical, developmental, and social functioning levels for use in determining eligibility or developing the *[individualized habilitation/ service]* plan or individualized family service plan;

(C) Client—Any person who is placed by the department in a facility or program licensed and funded by the department or who is a recipient of services from a regional *[center/ office]*. **Clients will be referred to as individuals throughout this rule;**

(D) Comprehensive evaluation—A study, including a sequence of observations and examinations of an individual, leading to conclusions and recommendations jointly formulated by an interdisciplinary assessment team of persons with special training and experience in the diagnosis and habilitation of persons with **intellectual disabilities (also called mental retardation)** and other developmental disabilities.

1. For children from birth through age four (0–4), a comprehensive evaluation may include, but not necessarily be limited to, an interdisciplinary assessment team’s:

A. Assessment of the child using First Steps eligibility criteria, or review of evidence of one (1) of the at-risk factors set out in paragraphs (3)(A)1.–3. of this rule, coupled with a review of scores on the Vineland Adaptive Behavior Scales (Vineland);

B. Review of available educational and medical information;

C. Review of additional individualized assessment and interview results to provide evidence of mental or physical impairments likely to continue indefinitely, evidence of substantial functional limitations caused by mental or physical impairments, and evidence of a need for sequential and coordinated special services which may be of lifelong or extended duration; and

D. Formulation of conclusions and recommendations.

2. For children ages five through seventeen (5–17), a comprehensive evaluation may include, but not necessarily be limited to, an interdisciplinary assessment team’s:

A. Review of educational records;

B. Review of available vocational and medical information;

C. Review of Vineland scores or results of the Missouri Critical Adaptive Behaviors Inventory (MOCABI), **included herein**, as set out in paragraphs (3)(B)1. and 2. of this rule;

D. Review of additional individualized assessment and interview results to provide evidence of mental or physical impairments likely to continue indefinitely, evidence of substantial functional limitations caused by mental or physical impairments, and evidence of a need for sequential and coordinated special services which may be of lifelong or extended duration; and

E. Formulation of conclusions and recommendations.

3. For adults ages eighteen (18) and older, a comprehensive evaluation may include, but not necessarily be limited to, an interdisciplinary assessment team’s:

A. Review of the results of the MOCABI;

B. Review of available vocational, medical, and educational information;

C. Review of additional individualized assessment and interview results to provide evidence of mental or physical impairments likely to continue indefinitely, evidence of substantial functional limitations caused by mental or physical impairments, and evidence of a need for sequential and coordinated special services which may be of lifelong or extended duration; and

D. Formulation of conclusions and recommendations;

(E) Developmental delay—

1. A delay, as measured and verified by appropriate diagnostic measures and procedures (an interdisciplinary assessment), which results in a child having obtained no more than approximately fifty percent (50%) of the developmental milestones and skills that would be expected of a child of equal age and considered to be developing within normal limits. The delay must be identified in one (1) or more of the following five (5) developmental areas: cognitive, speech or language, self-help, physical (including vision and hearing), or psychosocial; or

2. Demonstrated atypical development in any one (1) of the five (5) developmental areas, based on professional judgment of an interdisciplinary assessment team and documented by—

A. Systematic and documented observation of functional abilities in daily routine;

B. Developmental history; and

C. Other appropriate assessment procedures which may include, but are not necessarily limited to, parent report, criteria-referenced assessment, and developmental checklist;

(F) Developmental disability—A disability which—

1. Is attributable to—

A. **Intellectual disability (also called /M/mental retardation)**, cerebral palsy, epilepsy, head injury, autism, or a learning disability related to a brain dysfunction; or

B. Any other mental or physical impairment or combination of mental or physical impairments;

2. Is manifested before the person attains age twenty-two (22);

3. Is likely to continue indefinitely;

4. Results in substantial functional limitations in two (2) or more of the following six (6) areas of major life activities: self-care, receptive and expressive language development and use, learning, self-direction, capacity for independent living or economic self-sufficiency, and mobility; and

5. Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, habilitation, or other services which may be of lifelong or extended duration and are individually planned and coordinated;

(J) Initial service plan—A document developed by the *[client's case manager]* **individual's service coordinator** to authorize immediate and necessary services after the *[client]* **individual** has been determined eligible but before the *[individualized habilitation]* **service plan** or individualized family service plan is developed and implemented;

(K) **Intellectual disability—Significantly subaverage general intellectual functioning which originates before age eighteen (18) and is associated with significant impairment in adaptive behavior;**

(/K)/(L) Intake—The process conducted prior to determination of eligibility by which data is gathered from an applicant;

(/L)/(M) Interdisciplinary assessment team—Qualified developmental disabilities professionals, persons with special training or experience in the identification or habilitation of persons with developmental disabilities, and others approved by the division who participate in the comprehensive evaluation process for team determination of an applicant's eligibility for services from the division;

(/M)/(N) Interdisciplinary team—The *[client]* **individual** or applicant, *[case manager]* **service coordinator**, interdisciplinary assessment team members, as appropriate, personnel from agencies providing services required or desired, and other persons (including family members) designated by the *[client]* **individual** or applicant;

(/N)/(O) Logging—Recording in a uniform, consistent manner

those dates and activities related to application, comprehensive evaluation, and other eligibility determination procedures as well as dates and activities related to applicant and *[client]* **individual** appeals;

(/O)/(P) Major life activities—

1. Self-care—Daily activities which enable a person to meet basic needs for food, hygiene, and appearance; demonstrated ongoing ability to appropriately perform basic activities of daily living with little or no assistance or supervision;

2. Receptive and expressive language—Communication involving verbal and nonverbal behavior enabling a person to understand and express ideas and information to the general public with or without assistive devices; demonstrated ability to understand ordinary spoken and written communications and to speak and write well enough to communicate thoughts accurately and appropriately on an ongoing basis;

3. Learning—General cognitive competence and ability to acquire new behaviors, perceptions, and information and to apply experiences in new situations; demonstrated ongoing ability to acquire information, process experiences, and appropriately perform ordinary, cognitive, age-appropriate tasks on an ongoing basis;

4. Mobility—Motor development and ability to use fine and gross motor skills; demonstrated ongoing ability to move about while performing purposeful activities with or without assistive devices and with little or no assistance or supervision;

5. Self-direction—Management and control over one's social and personal life; ability to make decisions and perform activities affecting and protecting personal interests; demonstrated ongoing ability to take charge of life activities as age-appropriate through an appropriate level of self-responsibility and assertiveness; and

6. Capacity for independent living or economic self-sufficiency—Age-appropriate ability to live without extraordinary assistance from other persons or devices, especially to maintain normal societal roles; ability to maintain adequate employment and financial support; ability to earn a living wage, net (determined by the interdisciplinary assessment team for each individual), after payment of extraordinary expenses caused by the disability; demonstrated ability to function on an ongoing basis as an adult independent of extraordinary emotional, physical, medical, or financial support systems;

(/P)/(Q) Markedly disturbed social relatedness—A condition found in children from birth through age four (0–4) and characterized by—

1. Persistent failure to initiate or respond in an age-appropriate manner to most social interactions, for example, absence of visual tracking and reciprocal play, lack of vocal imitation or playfulness, apathy, little or no spontaneity, or lack of or little curiosity and social interest; or

2. Indiscriminate sociability, for example, excessive familiarity with relative strangers by making requests and displaying affection;

(/Q)/(R) Mental or physical impairment—

1. An impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

2. An impairment, in the broadest interpretation, which may include any neurological, sensory, biochemical, intellectual, cognitive, or perceptual deficit (excluding social problems) or mood disorder, as determined by an interdisciplinary assessment team, which limits an individual's ability to perform life, developmental, or functional activities that would be expected of an individual of equal age and considered to be developing or to have developed within normal limits;

(/R)/(S) Mental retardation—Significantly subaverage general intellectual functioning which originates before age eighteen (18) and is associated with significant impairment in adaptive behavior;

(/S)/(T) Missouri Critical Adaptive Behaviors Inventory (MOCABI)—A structured interview tool used during screening to gather data to help determine if a substantial functional limitation exists *[see Appendix A]*;

**(U) Person-centered planning process**—A process directed by the individual, with assistance as needed from a representative. The process may include other individuals freely chosen by the participant who are able to serve as important contributors to the process. The person-centered planning process enables and assists the individual to access a personalized mix of paid and non-paid services and supports that will assist him/her to achieve personally-defined outcomes, and the training, supports, therapies, treatments, and/or other services become part of the service plan;

**[(T)/(V) Protector**—An adult *[client's]* individual's parent, relative, or other person, except for a legally appointed guardian, designated by the *[client]* individual and recognized by the department to assist the *[client]* individual in planning and participating in habilitation;

**(W) Service plan (SP)**—a document directed by the individual, with assistance as needed from a representative, in collaboration with an interdisciplinary team. The plan identifies strengths, capacities, preferences, needs, and desired outcomes of the individual. A plan shall encompass personalized mix of paid and non-paid services and supports that will assist him/her to achieve personally-defined outcomes. The training, supports, therapies, treatments, and/or other services provided for the individual become part of the service plan;

**[(U)/(X) Qualified developmental disabilities professional**—*[An individual who has at least one (1) year of experience working directly with persons with developmental disabilities and is one (1) of the following:*

1. A doctor of medicine or osteopathy, which may include a doctor with a specific specialty;

2. A registered nurse; or

3. An individual who holds at least a bachelor's degree in occupational therapy, physical therapy, psychology, social work, speech-language pathology, audiology, recreation, dietetics, sociology, special education, rehabilitation counseling, or a related field approved by the division director; *[An individual who qualifies for the state of Missouri job classification of Case Manager I or who meets the following qualifications:*

1. One (1) or more years of professional experience—a) as a registered nurse, b) in social work, special education, psychology, counseling, vocational rehabilitation, physical therapy, occupational therapy, speech therapy, or a closely related area, or c) in providing direct care to people with developmental disabilities **(DD)**; and

2. A bachelor's degree from an accredited college or university with a minimum of twenty-four (24) semester hours or thirty-six (36) quarter hours of credit in one or a combination of human service field specialties. Additional experience as a registered nurse may substitute on a year-for-year basis for a maximum of two (2) years of required education;

**[(V)/(Y) Representative**—Applicant's or *[client's]* individual's legal guardian, parent (if applicant or *[client]* individual is a minor) or protector (for adult *[clients]* individuals);

**[(W)/(Z) Screening**—Initial evaluation services, possibly including review by an interdisciplinary assessment team of information collected during the intake and application processes to substantiate that the applicant is developmentally disabled or is suspected to be developmentally disabled and requires further assessment for eligibility determination;

**[(X)/(AA) Special education services**—Programs designed to meet the needs and maximize the capabilities of children who are handicapped or severely handicapped and which include, but are not limited to, the provision of diagnostic and evaluation services; student and parent counseling; itinerant, homebound, and referral assistance; organized instructional and therapeutic programs; transportation; and corrective and supporting services;

**[(Y)/(BB) Substantial functional limitation**—An inability, due to a

mental or physical impairment, to individually and independently perform a major life activity within expectations of age and culture;

**[(Z)/(CC) Temporary action plan**—A written plan developed by (at least) the applicant, the applicant's family, and *[case manager]* service coordinator to authorize additional assessment and counseling services only for the purpose of completing the comprehensive evaluation; and

**[(AA)/(DD) Vineland Adaptive Behavior Scales (Vineland)**—A screening device for evaluating an individual's performance in daily activities by assessing the four (4) domains of communication, daily living, socialization, and motor development.

(3) Eligibility for services from the division is predicated on the applicant's either having an **intellectual disability (also called mental retardation)** or a developmental disability or being at risk of becoming developmentally delayed or developmentally disabled. The following criteria shall be used in carrying out comprehensive evaluations for determining eligibility for services from the division:

(A) Children From Birth Through Age Four (0–4). Children who are eligible for the First Steps program, as well as children who, except for age, would be eligible for that program, even though the children may not be eligible for public school services, automatically shall be eligible for services except for children whose sole service needs are specialized medical treatment for diagnosed health conditions or for children served by the Department of Health and Senior Services under an interagency agreement with the Department of Mental Health. The division shall determine eligibility for those children on an individualized basis; or any one (1) of the following at-risk circumstances, when coupled with a score of at least one and one-half (1.5) standard deviations below the norm in any one (1) of the four (4) developmental areas of the Vineland shall make a child eligible:

1. Receipt by the division of documentation, based upon an individualized assessment from a qualified developmental disabilities professional, that there is markedly disturbed social relatedness in most contexts which puts the child at risk of becoming developmentally delayed or developmentally disabled;

2. Determination by a regional *[center]* office that a child's primary care giver has a developmental disability and that the developmental disability could put the child at risk of becoming developmentally delayed or developmentally disabled; or

3. A *[Division of Family Services]* Children's Division referral of a child who that division has found reason to suspect is abused or neglected and who a qualified developmental disabilities professional has documented, based upon an individualized assessment, is at risk of becoming developmentally delayed or developmentally disabled;

(4) The procedure for determining eligibility for applicants and *[clients]* individuals shall be a comprehensive evaluation consisting of phases rather than a series of discrete and sequential steps. That is, screening and assessment shall not necessarily be separate and required steps. Thus, a screening itself may find an applicant eligible for services, and further assessment would be completed primarily to assist in development of the *[individualized habilitation]* service plan or individualized family service plan. Furthermore, only if screening does not result in a determination of eligibility shall further assessment be conducted for the purpose of determining eligibility. On the other hand, if there is convincing evidence that an applicant has a developmental disability, neither screening nor assessment shall be necessary for the purpose of determining eligibility. Rather, the regional *[center]* office shall conduct an assessment for the purpose of developing the *[individualized habilitation]* service plan or individualized family service plan. No applicant shall be found ineligible solely as a result of screening except an applicant whose disability clearly was not manifested before age twenty-two (22); a finding of ineligibility shall be made only after completion of the comprehensive evaluation. Each regional *[center]* office director

shall designate a member of the staff to help ensure that the eligibility determination process proceeds in a timely manner. The name of that individual shall be posted in the *[center]* office and shall be given to all applicants. This staff member shall have access to all necessary information from the interdisciplinary assessment teams.

(A) Regional *[centers]* offices shall complete comprehensive evaluations within thirty (30) working days after receipt of valid applications from all applicants except applicants for services under the First Steps program. For applicants for services under the First Steps program, regional *[centers]* offices shall complete comprehensive evaluations and develop individualized family service plans within forty-five (45) days after receiving referrals for services under that program.

(B) Individuals may apply for services only on application forms provided by the division.

1. By the end of the next working day after any referral, inquiry, or request for services, a regional *[center]* office shall provide application forms and information about services offered by the division and the regional *[centers]* offices unless it is clearly evident that the inquiry, request, or referral has been made to the division inappropriately or is for a person who is ineligible for services. In cases of evident ineligibility or inappropriate inquiries, requests, or referrals, regional *[centers]* offices shall refer individuals for whom services have been requested to appropriate agencies within five (5) working days after the inquiry, request, or referral.

2. For an individual's request for services to be considered, the regional *[center]* office must receive a valid application for services. An application shall be valid only if signed or marked by the applicant. A mark must be witnessed.

3. Regional *[center]* office staff shall contact the individual within ten (10) working days of receipt of an invalid application to obtain a valid application so that the comprehensive evaluation process can continue.

4. If the regional *[center]* office has not received an application within thirty (30) days of the date it was provided to the individual, regional *[center]* office staff shall contact the individual directly by telephone or mail, if possible, and in person, if necessary, to determine if the individual desires to continue the application for services and, if so, if assistance is needed in completing an application.

(C) Except as otherwise required in subsection (4)(A), within thirty (30) working days of receipt of a valid application, a regional *[center]* office shall complete a comprehensive evaluation and determine eligibility for services. A comprehensive training program shall be developed to train staff to evaluate persons from any disability group which may be eligible for services under the definition of developmental disability.

1. If screening is required—

A. The Vineland shall be used during screening of children up to age eighteen (18) to help to determine if substantial functional limitations exist unless administration of the MOCABI is considered more appropriate for children of older ages in the age range of five through seventeen (5–17); or

B. The MOCABI shall be used during screening of adults age eighteen (18) and older to help determine if substantial functional limitations exist.

2. Regional *[centers]* offices shall conduct screenings and assessments in applicants' homes as feasible unless applicants request other sites. If screenings or assessments are not done in applicants' homes, reasons shall be documented in applicants' files. If screenings or assessments are to be done at the regional *[centers]* offices, the regional *[centers]* offices shall work with applicants to secure transportation to the *[centers]* offices.

3. If applicants are not found eligible through screening, regional *[centers]* offices shall conduct further assessments to complete comprehensive evaluations. Applicants not found eligible pursuant to the definition of developmental disability but who claim eligibility due to **intellectual disability (also called mental retardation)** shall

refer to subsection (4)(D) of this rule.

(D) If an applicant who claims eligibility due to **intellectual disability (also called mental retardation)** has not been found to have substantial functional limitations in two (2) or more areas of major life activity under this rule, the interdisciplinary assessment team shall conduct further cognitive and behavioral assessments to determine if the applicant has **an intellectual disability (also called mental retardation)**. One (1) or more standardized testing tools currently defined by the American Association on *[Mental Retardation]* **Intellectual and Developmental Disabilities** shall be used in conducting the cognitive and behavioral assessments.

(E) If within thirty (30) working days of receipt of a valid application the interdisciplinary assessment team finds the applicant ineligible for services, the regional *[center]* office shall—

1. Provide, to the applicant, within one (1) working day of the decision, written notice of right to appeal the decision, a statement of the legal and factual reasons for the denial, a notice of the appeals process contained in 9 CSR 45-2.020, and a brochure which explains the appeals process;

2. Orally provide to the applicant, within one (1) working day of the decision, if possible, the reasons for ineligibility and an explanation of the applicant's right to appeal, along with the name of the applicant's *[case manager]* service coordinator and the telephone number at the regional *[center]* office; and

3. Make referrals within five (5) working days of the decision, to other agencies and monitor services received by the applicant for at least thirty (30) days from the date of the ineligibility determination.

(F) Except as otherwise required in subsection (4)(A), if the interdisciplinary assessment team cannot make an eligibility determination within thirty (30) working days of receipt of a valid application because the regional *[center]* office has not received collateral data or other information critical to the determination, an interdisciplinary team shall develop a temporary action plan within that thirty-(30)- working day period, and the *[center]* office may take up to thirty (30) additional days to determine eligibility.

1. For an applicant then determined eligible during the additional thirty-(30)-[ ] day period, the interdisciplinary team also shall develop the *[individualized habilitation]* service plan or individualized family service plan within the thirty (30)-[ ] days *[additional period.]* of the determination of eligibility.

2. For individuals needing immediate services, the service coordinator also shall develop an initial service plan within five (5) working days after the eligibility determination unless a service plan or family service plan has already been developed.

[2.]3. For an applicant determined ineligible during the additional thirty-(30)-[ ] day period, the regional *[center]* office shall provide written and oral notices as set out in paragraphs (4)(E)1. and 2. of this rule and shall make referrals to other agencies and monitor services received by the applicant as set out in paragraph (4)(E)3. of this rule.

(G) If the interdisciplinary assessment team does not make a determination on eligibility within thirty (30) working days of receipt of a valid application, even though the regional *[center]* office has received collateral data and all other information critical to the determination, the regional *[center]* office staff member designated under section (4) of this rule or the applicant shall notify the *[center]* office director, who shall direct the interdisciplinary assessment team to make the eligibility determination within five (5) working days of the notification from the staff member designated under section (4) of this rule, or the applicant.

1. For an applicant then determined eligible, the *[center]* office shall proceed as set out in paragraphs (4)(H)1.–3. of this rule.

2. For an applicant then determined ineligible, the *[center]* office shall proceed as set out in paragraphs (4)(E)1.–3. of this rule.

(H) For an applicant determined eligible within thirty (30) working days of receipt of valid application—

1. The regional *[center]* office shall provide written notice of

eligibility and client status within three (3) working days of the determination;

2. The interdisciplinary team shall develop a/an *individualized habilitation* service plan or individualized family service plan within thirty (30) days after the date of the eligibility determination; and

3. For *clients* **individuals** needing immediate services, the *case manager* **service coordinator** also shall develop an initial service plan within five (5) working days after the eligibility determination unless a/an *individualized habilitation* service plan or individualized family service plan already has been developed.

(I) Using a comprehensive evaluation, regional *centers* **offices** shall periodically review the eligibility status of *their clients* **individuals served** and shall discharge *clients* **individuals** who are no longer eligible for services and *clients* **individuals** for whom division services are no longer appropriate. At a minimum, all *clients* **individuals** shall be reassessed through comprehensive evaluations on or immediately before their fifth, eighteenth, and twenty-second birthdays.

1. Not later than sixty (60) days before a reassessment, the regional *center* **office** shall provide to the *client* **individual** a written notice of the upcoming reassessment and of the possibility that division services may be discontinued.

2. If, as a result of the comprehensive evaluation, *a client* **an individual** is found ineligible or no longer in need of services, the regional *center* **office** shall provide written and oral notice as set out in paragraphs (4)(E)1. and 2. of this rule and shall prepare a discharge plan which shall provide at least sixty (60) days from the date of that plan for the *client* **individual** to transition from division services into services from other agencies. The *center* **office** shall monitor and assist with that transition.

(J) For purposes of quality *assurance* **enhancement** and consistency, the regional *center* **office** staff member designated under section (4) of this rule shall conduct timely reviews of all individual assessments, diagnostic impressions, and findings of the interdisciplinary assessment team and report irregularities to the *center* **director**. This quality *assurance* **enhancement** procedure is not part of the eligibility determination process and shall not delay delivery of services to eligible individuals.

(K) Regional *center* **office** staff shall log the disposition of all applications, including eligibility determinations, appeals, and referrals to other agencies. Comprehensive evaluation activities noted throughout this rule shall be logged immediately or on the same working day.

(L) If an applicant or *client* **individual** disagrees with an ineligibility determination, the determination may be appealed under procedures contained in 9 CSR 45-2.020.

STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY (MOCABI)**

APPLICANT

INFORMANT'S NAME

INFORMANT'S RELATIONSHIP TO APPLICANT

INTAKE WORKER

REGIONAL CENTER

LOCATION OF INTERVIEW

LANGUAGE USED

DATE OF INTERVIEW

Adapted from assessment methodology developed by Paul J. Zumoff, Ph.D., for the New Jersey Division of Developmental Disabilities.



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**PERSONAL DATA SHEET**

**START HERE: READ OUT LOUD AND FOLLOW THE INSTRUCTIONS EXACTLY.**

**FIRST, DRAW A LARGE SQUARE ON THE BACK OF THIS PAGE, NOW!**

**AFTER DRAWING THE SQUARE, CONTINUE READING THE INSTRUCTIONS BELOW.**

Please fill in the information requested below. You may write, print or type your answers. If you cannot write, print or type, the intake worker will write your answers down for you. This task will be used to measure several important abilities. First, it will help measure your ability to read and follow directions. Second, it will help measure your ability to respond in writing to requests for information. Third, it will help measure your ability to provide personal data as needed, such as when you apply for a job, visit a doctor, etc. Thank you for your cooperation.

FULL NAME

DATE OF BIRTH

SEX

CURRENT MAILING ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NUMBER (INCLUDE AREA CODE)

SOCIAL SECURITY NUMBER

EDUCATION (CHECK HIGHEST LEVEL COMPLETED)

☐ Grade School ☐ High School ☐ Some College ☐ Associate ☐ Bachelor ☐ Master ☐ Doctorate

DESCRIBE YOUR CURRENT OR MOST RECENT JOB

DESCRIBE YOUR DISABILITY AND THE WAYS IT AFFECTS YOUR LIFE

ABOVE DATA FILLED IN BY THE

☐ Applicant ☐ Intake Worker



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**PERSONAL DATA SHEET**

[The main body of the page is a large, empty rectangular box, likely intended for a photograph or a detailed description of the individual being assessed.]



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**ABILITY STATEMENTS**

MAJOR LIFE ACTIVITY: CATEGORY I SELF-CARE	SOURCE OF INFORMATION								
	OBSERVATION			APPLICANT			INFORMANT		
	Y	N	?	Y	N	?	Y	N	?
1. Applicant independently feeds self, including cutting food, lifting food and drink to mouth, chewing and swallowing when served a prepared meal and using personally-owned assistive devices if necessary.  Comments:									
2. Applicant independently toilets self, including transferring to toilet, wiping self, and transferring from toilet using personally-owned assistive devices if necessary. If alternative methods of urinary voiding or fecal evacuation are applicable, applicant independently completes entire routine.  Comments:									
3. Applicant independently selects attire appropriate as to season and activity.  Comments:									
4. Applicant independently dresses and undresses self, including underclothes, outerclothes, socks and shoes, using personally adapted clothes or assistive devices if necessary.  Comments:									
5. Applicant bathes self independently, including transfer to tub or shower, adjusting water, scrubbing, transfer from tub or shower, and drying, using personally-owned assistive devices if necessary.  Comments:									
6. Applicant self-administers oral medications, including opening container, obtaining correct dosage, placing medications in mouth, swallowing (with or without liquid) and closing container, using personally-owned assistive devices if necessary.  Comments:									
• Applicant's abilities in this category, as measured by these statements, are functional <b>most of the time and in a variety of settings</b> such as home, school and/or work.  Comments:									
<b>CATEGORY I</b> _____ SUBSTANTIAL FUNCTIONAL LIMITATION (One (1) or more statements marked No under Observation.) _____ NO SUBSTANTIAL FUNCTIONAL LIMITATION (All statements are marked Yes or ? under Observation, and all statements marked ? under Observation are marked Yes under at least one (1) other source of information.) _____ POSSIBLE FUNCTIONAL LIMITATION (Neither Substantial Functional Limitation or No Substantial Functional Limitation. Further assessment is required.)									
APPLICANT'S NAME _____									



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**ABILITY STATEMENTS**

MAJOR LIFE ACTIVITY: CATEGORY II RECEPTIVE AND EXPRESSIVE LANGUAGE	SOURCE OF INFORMATION								
	OBSERVATION			APPLICANT			INFORMANT		
	Y	N	?	Y	N	?	Y	N	?
1. Applicant can hear and comprehend the content of ordinary spoken conversations in the applicant's primary language using a hearing aid or other personally-owned assistive devices if necessary. Comments:									
2. Applicant has sufficiently intelligible speech to communicate common words to individuals of casual acquaintance in the community. Comments:									
3. Applicant has sufficient vocabulary, grammatical ability or nonverbal communications skills to conduct ordinary business with individuals of casual acquaintance in the community. Comments:									
4. Applicant can conduct a functional two (2)-way conversation over the telephone such as scheduling personal appointments or obtaining consumer information using an amplified telephone or other personally-owned assistive devices if necessary. Comments:									
5. Applicant has sufficient sight and reading ability to access and comprehend ordinary written text using eyeglasses, dictionary or other personally-owned assistive devices if necessary. Comments:									
6. Applicant has sufficient physical skills, vocabulary and grammatical ability to write or type a functional letter such as a personal note to a friend or a response to a business or government communication using eyeglasses, typewriter, word processor or other personally-owned assistive device if necessary. Comments:									
• Applicant's abilities in this category, as measured by these statements, are functional <b>most of the time</b> and <b>in a variety of settings</b> such as home, school and/or work. Comments:									
<b>CATEGORY II</b> _____ SUBSTANTIAL FUNCTIONAL LIMITATION (One (1) or more statements marked No under Observation.) _____ NO SUBSTANTIAL FUNCTIONAL LIMITATION (All statements are marked Yes or ? under Observation, and all statements marked ? under Observation are marked Yes under at least one (1) other source of information.) _____ POSSIBLE FUNCTIONAL LIMITATION (Neither Substantial Functional Limitation or No Substantial Functional Limitation. Further assessment is required.)									
APPLICANT'S NAME _____									



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**ABILITY STATEMENTS**

MAJOR LIFE ACTIVITY: CATEGORY III LEARNING	SOURCE OF INFORMATION								
	OBSERVATION			APPLICANT			INFORMANT		
	Y	N	?	Y	N	?	Y	N	?
1. Applicant has sufficient hearing or sight, and mental ability to access and comprehend the content of ordinary television or radio programming using a hearing aid, eyeglasses or other personally-owned assistive devices if necessary. Comments:									
2. Applicant has sufficient sight, sense of touch or sense of smell to identify common domestic products and is able to explain their common uses. Comments:									
3. Applicant has sufficient money skills, and sight or sense of touch to identify pennies, nickels, dimes and quarters, and to calculate the value of any combination of these coins up to \$2.00. Comments:									
4. Applicant has sufficient time skills and sight, hearing, or sense of touch to tell the time of day to the quarter hour, including A.M. AND P.M., given a clock or watch appropriate for the applicant, using eyeglasses, hearing aid or other personally-owned assistive devices if necessary. Comments:									
5. Applicant is able to provide reasonably complete and accurate personal data, including name, date of birth, place of residence (street address, city and state), telephone number, nature of disabling condition, education, employment data, etc. Comments:									
6. Applicant is able to state in general terms the reason for this functional assessment after being given a full explanation by the intake worker. Comments:									
7. Applicant is able to demonstrate memory of three (3) items (chair, apple, bird) given at beginning of interview. Comments:									
• Applicant's abilities in this category, as measured by these statements, are functional <b>most of the time</b> and in a <b>variety of settings</b> such as home, school and/or work. Comments:									
<b>CATEGORY III</b> _____ SUBSTANTIAL FUNCTIONAL LIMITATION (One (1) or more statements marked No under Observation.) _____ NO SUBSTANTIAL FUNCTIONAL LIMITATION (All statements are marked Yes or ? under Observation, and all statements marked ? under Observation are marked Yes under at least one (1) other source of information.) _____ POSSIBLE FUNCTIONAL LIMITATION (Neither Substantial Functional Limitation or No Substantial Functional Limitation. Further assessment is required.)									
APPLICANT'S NAME _____									



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH

**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**ABILITY STATEMENTS**

MAJOR LIFE ACTIVITY: CATEGORY IV MOBILITY	SOURCE OF INFORMATION								
	OBSERVATION			APPLICANT			INFORMANT		
	Y	N	?	Y	N	?	Y	N	?
1. Applicant independently and safely moves about within indoor and outdoor environments, using a wheelchair, crutches, cane or other personally-owned assistive devices if necessary. Comments:									
2. Applicant independently and safely gets up and down curbs up to six inches high, using a wheelchair, crutches, cane or other personally-owned assistive devices if necessary. Comments:									
3. Applicant is able to pick up a towel or similar object from the floor, using personally-owned assistive devices if necessary. Comments:									
4. Applicant independently and safely gets in and out of bed, using personally-owned assistive devices if necessary. Comments:									
5. Applicant independently and safely operates ordinary household equipment such as TV, radio, oven, vacuum cleaner, etc., using personally-owned assistive devices if necessary. Comments:									
6. Applicant crosses streets independently and safely. Comments:									
7. Applicant independently and safely gets in and out of his/her place of residence, including locking and unlocking doors. Comments:									
• Applicant's abilities in this category, as measured by these statements, are functional <b>most of the time</b> and <b>in a variety of settings</b> such as home, school and/or work. Comments:									
<b>CATEGORY IV</b> _____ <b>SUBSTANTIAL FUNCTIONAL LIMITATION</b> (One (1) or more statements marked No under Observation.) _____ <b>NO SUBSTANTIAL FUNCTIONAL LIMITATION</b> (All statements are marked Yes or ? under Observation, and all statements marked ? under Observation are marked Yes under at least one (1) other source of information.) _____ <b>POSSIBLE FUNCTIONAL LIMITATION</b> (Neither Substantial Functional Limitation or No Substantial Functional Limitation. Further assessment is required.)									
APPLICANT'S NAME _____									



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**ABILITY STATEMENTS**

MAJOR LIFE ACTIVITY: CATEGORY V SELF-DIRECTION	SOURCE OF INFORMATION								
	OBSERVATION			APPLICANT			INFORMANT		
	Y	N	?	Y	N	?	Y	N	?
1. Applicant makes and implements essentially independent daily personal decisions regarding a schedule of activities, including when to get up, what to do (for example, work, leisure, home chores, etc.) and when to go to bed. Comments:									
2. Applicant makes and implements essentially independent major life decisions such as choice of type and location of living arrangements, marriage and career choice. Comments:									
3. Applicant possesses adequate social skills to establish and maintain interpersonal relationships with friends, relatives or coworkers. Comments:									
4. Applicant makes and implements essentially independent daily personal decisions regarding diet, including when to eat, where to eat and what to eat. Comments:									
5. Applicant is essentially independent in managing personal finances, including making decisions regarding allocation of financial resources and keeping track of financial obligations. Comments:									
6. Applicant self-refers for routine medical and dental checkups and treatment, including selecting a doctor, setting appointment and providing a medical history as necessary. Comments:									
• Applicant's abilities in this category, as measured by these statements, are functional most of the time and in a variety of settings such as home, school and/or work. Comments:									
<b>CATEGORY V</b> _____ SUBSTANTIAL FUNCTIONAL LIMITATION (One (1) or more statements marked No under Observation.) _____ NO SUBSTANTIAL FUNCTIONAL LIMITATION (All statements are marked Yes or ? under Observation, and all statements marked ? under Observation are marked Yes under at least one (1) other source of information.) _____ POSSIBLE FUNCTIONAL LIMITATION (Neither Substantial Functional Limitation or No Substantial Functional Limitation. Further assessment is required.)									
APPLICANT'S NAME _____									



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**ABILITY STATEMENTS**

MAJOR LIFE ACTIVITY: CATEGORY VI CAPACITY FOR INDEPENDENT LIVING OR ECONOMIC SELF-SUFFICIENCY	SOURCE OF INFORMATION								
	OBSERVATION			APPLICANT			INFORMANT		
	Y	N	?	Y	N	?	Y	N	?
1. Applicant generally carries out regular duties and chores (simple meal preparation, light housekeeping, etc.) safely and without need for reminders. Comments:									
2. Applicant is aware of variety of community activities such as religious services, continuing education, sports, volunteer organizations, movies, shopping, visiting friends, etc. and independently selects and participates in at least one (1) on a regular basis. Comments:									
3. Applicant can be left alone for twenty-four (24) hours without being considered to be at risk. Comments:									
4. Applicant is able to demonstrate knowledge of and competence for several traits of a good employee such as being prompt, attending regularly, accepting supervision, and getting along with coworkers. (Applicant may be able to talk about school experiences as they relate to this area if no work history has been established.) Comments:									
5. Applicant is able to state several approaches to finding a job such as going to an employment agency, responding to ads, using personal contacts, etc. Comments:									
6. Applicant is able to state a vocational preference and describe with reasonable accuracy the education and skills required. Comments:									
7. Applicant demonstrates insight regarding the obstacles to independent living or employment consequent to the applicant's disability. Comments:									
• Applicant's abilities in this category, as measured by these statements, are functional <b>most of the time and in a variety of settings</b> such as home, school and/or work. Comments:									
<b>CATEGORY VI</b> _____ SUBSTANTIAL FUNCTIONAL LIMITATION (One (1) or more statements marked No under Observation.) _____ NO SUBSTANTIAL FUNCTIONAL LIMITATION (All statements are marked Yes or ? under Observation, and all statements marked ? under Observation are marked Yes under at least one (1) other source of information.) _____ POSSIBLE FUNCTIONAL LIMITATION (Neither Substantial Functional Limitation or No Substantial Functional Limitation. Further assessment is required.)									
APPLICANT'S NAME _____									



STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
**MISSOURI CRITICAL ADAPTIVE BEHAVIORS INVENTORY**  
**SUMMARY SHEET**

MAJOR LIFE ACTIVITY	SUBSTANTIAL FUNCTIONAL LIMITATION	NO SUBSTANTIAL FUNCTIONAL LIMITATION	POSSIBLE FUNCTIONAL LIMITATION
CATEGORY I: SELF-CARE			
CATEGORY II: RECEPTIVE AND EXPRESSIVE LANGUAGE			
CATEGORY III: LEARNING			
CATEGORY IV: MOBILITY			
CATEGORY V: SELF-DIRECTION			
CATEGORY VI: CAPACITY FOR INDEPENDENT LIVING OR ECONOMIC SELF-SUFFICIENCY			
COLUMN TOTALS ▶			
SUMMARY COMMENTS			
INTAKE WORKER'S NAME (PRINT)	INTAKE WORKER'S SIGNATURE	DATE EVALUATION COMPLETED	
<b>RESULTS OF FUNCTIONAL EVALUATION</b>			
_____ SUBSTANTIALLY FUNCTIONAL LIMITED (Substantial Functional Limitation in two (2) or more Major Life Activity categories.)			
_____ FURTHER ASSESSMENT REQUIRED (Insufficient evidence to document Substantial Functional Limitation.)			
APPLICANT'S NAME _____			

**AUTHORITY:** section 630.050, RSMo [(1994)] *Supp.* 2011. This rule was previously filed as 9 CSR 50-1.045. Original rule filed Oct. 2, 1991, effective May 14, 1992. Amended: Filed May 25, 1995, effective Dec. 30, 1995. Amended: Filed Oct. 25, 1995, effective April 30, 1996. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Feb. 1, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Melissa Manda, Deputy General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 45—Division of [Mental Retardation and]**  
**Developmental Disabilities**  
**Chapter 2—Eligibility for Services**

**PROPOSED AMENDMENT**

**9 CSR 45-2.015 Prioritizing Access to Funded Services.** The division is amending the division title and the purpose and deleting sections (1) through (7) and replacing them with new sections (1) through (7).

**PURPOSE:** This amendment changes the name of the division to comply with HB 555 and HB 648 which remove the term “mental retardation” from Missouri statutes. The amendment also changes references to “regional centers” to “regional offices,” adds a definition for “prioritization of need,” adds a definition for the waiver for children with autism spectrum disorders approved by the Health and Human Services Centers for Medicare and Medicaid Services in July, 2009, adds a definition for the Partnership for Hope Waiver approved by the Health and Human Services Centers for Medicare and Medicaid Services (CMS) in September, 2010, defines the method for prioritizing access to services when funding is limited consistent with the method approved by CMS in the five (5) Missouri home and community-based waivers for people with developmental disabilities, adds the term “intellectual disability” where the term “mental retardation” is used, and adds criteria for re-assessment.

**PURPOSE:** This rule establishes how individuals otherwise eligible for services will be selected for funded services and programs administered by the Department of Mental Health, Division of [Mental Retardation and] Developmental Disabilities, when services cannot be provided to all eligible individuals with developmental disabilities in the state of Missouri through the funding that is appropriated.

**[(1) Definitions.**

(A) Community services—Supports funded and purchased through the Department of Mental Health Purchase of Service System (POS) with general revenue appropriations to assist individuals who have mental retardation and developmental disabilities to live in the community. Eligibility for Medicaid is not required.

(B) Community Support Waiver—A set of services, not including residential services, for Medicaid eligible individuals who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an Intermediate Care Facility for Mental Retardation (ICF/MR).

(C) Comprehensive Waiver—A set of services, including residential services, for Medicaid eligible individuals who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/MR.

(D) Division—Division of Mental Retardation and Developmental Disabilities.

(E) Sarah Jian Lopez Waiver—A set of services, not including residential services, for children under the age of eighteen (18) living with their parents, who are not Medicaid eligible, who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/MR.

(2) The division’s utilization review process as set forth in 9 CSR 45-2.017 shall be applied to all individuals prior to participation in new services or programs.

(3) Individuals otherwise eligible for services through the Comprehensive or Community Support Medicaid Waiver and who are determined to meet emergency criteria as described in 9 CSR 45-2.017(1)(E) and who require out-of-home residential services or for whom out-of-home residential care is imminent without in-home services, shall receive priority consideration in participating in a waiver.

(A) Participation in the Community Support Waiver shall be considered first, for individuals meeting emergency criteria whose needs can be met with in-home services. Individuals who meet emergency criteria shall be approved to participate in the Community Support Waiver when the regional center determines the needs of the individual can be appropriately met by that waiver.

(B) The requested services shall be directly related to preventing the person from entering a Medicaid institution or enabling the person to leave a Medicaid institution.

(C) Division treatment professionals shall determine the following:

1. If the individual’s service/support needs can be met in the community;
2. If the individual is eligible for the waiver; and
3. If the individual chooses waiver services over institutional services.

(4) Individuals who are otherwise eligible for services through the Comprehensive and Community Support Waivers, who do not meet emergency criteria and have not been enrolled, shall be placed on a waiting list. Individuals on the waiting list shall be served according to the prioritization of need (PON) score, as set forth in 9 CSR 45-2.017, as funding becomes available.

(A) When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority.

(5) Children under the age of eighteen (18) assessed by a regional center as meeting basic eligibility criteria for participation in the Sarah Jian Lopez Medicaid Waiver shall be served from the waiting list as turnover occurs based on prioritized need. Determining prioritized need shall include reviewing the following:

(A) PON score(s);

(B) Frequency of need for waiver services;

- (C) Family ability to otherwise meet needs;
- (D) Any emergency need (9 CSR 45-2.017); and
- (E) Access to other resources to meet needs.

(6) Individuals who are not Medicaid eligible shall be placed on a waiting list for community services. Individuals on the waiting list shall be served according to the PON score as funding becomes available.

(7) Waiver Participant Turnover.

(A) Funds available due to participants leaving (turnover) the Comprehensive or Community Support Waiver shall first be used for individuals served in that waiver who have increased needs. When these needs are met, funds that become available from turnover may be used to enroll new individuals in the waiver.

(B) When turnover occurs in an existing living arrangement, the regional center shall determine if an individual in the region, district, or state meeting emergency criteria or with the highest PON score would be appropriately served in the arrangement and chooses this living arrangement (including location); and if the agency providing supports is able to provide the supports to the person.

1. If the arrangement is not appropriate or acceptable to an individual meeting emergency criteria or with the highest PON score, the regional center shall determine if the living arrangement is acceptable and appropriate for an individual with the next highest utilization review (UR) score on the waiting list. If it is not, the regional center may request approval for another person on the waiting list in the region or district to participate in the waiver according to prioritized need, who is agreeable to the living arrangement and is a compatible household member for current residents.]

(1) Definitions.

(A) Autism waiver—A set of services, not including residential services, for children eligible for Medicaid, who have been diagnosed by a licensed physician, psychologist, or mental health professional to have autism or autism spectrum disorder and who have been determined to otherwise require the level of care provided in an intermediate care facility for developmental disabilities (ICF/DD).

(B) Community services—Supports funded and purchased through the Department of Mental Health Purchase of Service (POS) system with general revenue appropriations to assist individuals who have an intellectual disability (also called mental retardation) and/or developmental disabilities to live in the community. Eligibility for MO HealthNet is not required. Community services includes services for people with autism spectrum disorders funded with general revenue appropriations and administered through the Autism Projects defined at 9 CSR 45-3.060.

(C) Community Support waiver—A set of services, not including residential services, for Medicaid eligible individuals who have an intellectual disability (also called mental retardation) and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/DD.

(D) Comprehensive waiver—A set of services, including residential services, for Medicaid eligible individuals who have an intellectual disability (also called mental retardation) and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/DD.

(E) Division—Division of Developmental Disabilities.

(F) Intermediate care facility for mental retardation—Any facility certified under 42 CFR 440.150. These facilities are referred to as intermediate care facility for developmental disabilities (ICF/DD) throughout this rule.

(G) Missouri children with developmental disabilities waiver

(also called Sarah Jian Lopez waiver)—A set of services, not including residential services, for children under the age of eighteen (18) living with their parents, who will qualify for Medicaid by qualifying for the waiver, who have intellectual disability (also called mental retardation) and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/DD.

(H) Partnership for Hope waiver—A set of services, not including residential services, for Medicaid eligible individuals who have an intellectual disability (also called mental retardation) and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/DD. The Partnership for Hope is a county-based waiver operational in any Missouri county with a levy authorized under section 205.968, RSMo, whose board of directors has authorized funds to support the Partnership for Hope waiver or in any Missouri county approved by the Centers for Medicare and Medicaid Services for inclusion in this waiver.

(I) Prioritization of Need (PON) scoring—A process that assigns a score to the level of need for an individual, as set forth in 9 CSR 45-2.017. PON scoring is used to determine access to services when funding is limited and shall be applied to all individuals prior to participation in any of the following programs:

1. Comprehensive waiver;
2. Community Support waiver;
3. Missouri children with developmental disabilities waiver (also called Sarah Jian Lopez waiver);
4. Autism waiver; or
5. Community services funded with general revenue appropriations and purchased through the Department of Mental Health Purchase of Service (POS) system.

(J) Waiting list—A list of all people who have requested but are not currently receiving services from the division. The waiting list shall be subdivided into the following categories:

1. Children under the age of eighteen (18) with autism spectrum disorder who are not eligible for MO HealthNet;
2. Youth who have reached their seventeenth birthday;
3. Children and adults who are eligible for MO HealthNet who have needs that require the level of care in an ICF/DD and have an immediate need (within ninety (90) days) for residential services;
4. Children and adults who are eligible for MO HealthNet who have needs requiring the level of care in an ICF/DD, who do not have an immediate need for residential services but have service needs beyond the scope of the Partnership for Hope waiver;
5. Children and adults who are eligible for MO HealthNet, who have needs requiring the level of care in an ICF/DD, whose needs can be met safely with services in the Partnership for Hope waiver;
6. Children age three through eighteen (3–18) with autism spectrum disorder who have needs requiring the level of care in an ICF/DD and who are eligible for MO HealthNet; and
7. Children who have needs requiring the level of care in an ICF/DD and who are not eligible for MO HealthNet.

(2) Prioritizing Access to State General Revenue-Funded Services. People who are on the waiting list shall be prioritized for access to general revenue funded services based on PON score. When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority.

(3) People with autism spectrum disorders may access services administered through the Autism Projects defined at 9 CSR 45-3.060.

(4) The following sections describe how the waiting list for home and community-based waivers will be established and managed

when funding is limited and establishes the methods used to determine which waiver is most appropriate to meet the needs of individuals when funding becomes available.

(A) Individuals who reside in a participating Partnership for Hope waiver county who would otherwise require care in a ICF/DD may be considered for enrollment in the waiver if the individual is experiencing crisis or meets other priority criteria as outlined below in this rule. When participation in the Partnership for Hope waiver is limited by available funds, individuals experiencing a crisis will be served first. If more than one (1) individual is experiencing a crisis, the individual who has been waiting the longest will be served first. If no one is experiencing a crisis, then individuals meeting other priority criteria will be served. If more than one (1) individual meets priority criteria, the individual who has been waiting the longest will be served first.

1. To be considered for access based on a crisis, an individual must be experiencing one (1) of the following:

A. Health and safety conditions pose a serious risk of immediate harm or death to the individual or others;

B. Loss of primary caregiver support or change in caregiver's status to the extent the caregiver cannot meet needs of the individual; or

C. Abuse, neglect, or exploitation of the individual.

2. To be considered for access to the Partnership for Hope waiver when no one in that county who is on the waiting list is experiencing a crisis, individuals meeting the following criteria will be served on the basis of length of time on the waiting list:

A. The individual's circumstances or conditions necessitate substantial accommodation that cannot be reasonably provided by the individual's primary caregiver;

B. The individual has exhausted both their educational and Vocational Rehabilitation (VR) benefits or they are not eligible for VR benefits and they have a need for pre-employment or employment services;

C. Individual has been receiving supports (other than case management) from local funding for three (3) months or more and the services are still needed and the service can be covered by the waiver; and

D. Individual living in a non-Medicaid funded residential care facility chooses to transition to the community and has been determined to be capable of residing in a less restrictive environment with access to Partnership for Hope waiver services.

(B) Individuals who are determined to meet emergency criteria as described in 9 CSR 45-2.017(1)(E) and who require out-of-home residential services or for whom out-of-home residential care is imminent, and whose needs cannot be met with services and supports other than residential services or whose needs for services is anticipated to be in excess of the cost limitations of other waivers shall receive priority consideration to participate in the Comprehensive waiver.

1. Individuals on the waiting list shall be enrolled in the Comprehensive waiver according to the PON score, as set forth in 9 CSR 45-2.017 as funding becomes available.

2. When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority access to the Comprehensive waiver.

3. When individuals on the waiting list are offered and refuse waiver services a new PON assessment shall be completed.

(C) Individuals on the waiting list whose needs can be met without residential services, whose needs can be met safely in the community, and whose annual service costs is anticipated to be less than the cost limits of those waivers, shall be prioritized for access in waivers other than the Comprehensive waiver.

(D) Children under the age of eighteen (18) who would otherwise require care in an ICF/DD, but who are not otherwise eligible for MO HealthNet because of parental income and/or

assets, may be considered for participation in the Sarah Jian Lopez waiver, and shall be served from the waiting list as turnover occurs based on prioritized need. When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority. When individuals on the waiting list are offered and refuse the service or services for which they were placed on the waiting list a new PON assessment shall be completed. Determining prioritized need shall include reviewing the following:

1. PON score(s);
2. Frequency of need for waiver services;
3. Family ability to otherwise meet needs;
4. Any emergency need (9 CSR 45-2.017); and
5. Access to other resources to meet needs.

(E) Children with autism spectrum disorder who have attained the age of three (3) but who have not yet reached their eighteenth birthday and who would otherwise require care in an ICF/DD may be considered for participation in the Autism waiver, and shall be served from the waiting list as turnover occurs based on PON. When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority. When individuals on the waiting list are offered and refuse the service or services for which they were placed on the waiting list, a new PON assessment shall be completed. Determining prioritized need shall include reviewing the following:

1. Have a diagnosis of autism spectrum disorder (ASD) as defined in the most recent edition of the Diagnostic and Statistics Manual of Mental Disorders, American Psychiatric Association. (Includes autistic disorder, Asperger's syndrome, pervasive developmental disorder—not otherwise specified, childhood disintegrative disorder, and Rett's syndrome);
2. Lives with their family in the community;
3. Must have behavioral and/or social or communication deficits that require supervision, that impact the ability of the child's family providing care in the home, and that interferes with the child participating in activities in the community;
4. PON score;
5. Any emergency need (9 CSR 45-2.017); and
6. Access to other resources to meet needs.

(5) Program Turnover.

(A) Funds becoming available due to participants leaving (turnover) any programs listed under subsection (1)(I) shall first be used for individuals served in that program who have increased needs. When these needs are met, funds that become available from turnover may be used to enroll new individuals in the program.

(B) When turnover occurs in an existing living arrangement, the regional office shall determine if an individual in the region, district, or state meeting emergency criteria or with the highest PON score would be appropriately served in the arrangement and chooses this living arrangement (including location), and if the agency providing supports is able to provide the supports to the individual.

1. If the arrangement is not appropriate or acceptable to an individual meeting emergency criteria or with the highest PON score, the regional office shall determine if the living arrangement is acceptable and appropriate for an individual with the next highest PON score on the waiting list. If it is not, the regional office may request approval for another individual on the waiting list to participate in the waiver according to prioritized need, who is agreeable to the living arrangement and is a compatible household member for current residents.

(6) No individual shall receive services under more than one (1) home and community-based waiver at the same time, including home and community-based waivers operated by any other

Missouri state agency. Any individual who is eligible for services under more than one (1) waiver and has priority access to services based on their score as set forth in 9 CSR 45-2.017, when funding is available under both programs, shall be offered a choice of the waiver that best meets their needs, including home and community-based waivers operated by any other Missouri state agency.

(7) An individual may receive services under a waiver and may also receive community services funded with general revenue appropriations and purchased through the Department of Mental Health Purchase of Service (POS) system with approval from the division director when there is a need that cannot be met with waiver services.

**AUTHORITY:** sections 630.050 and 633.110.2, RSMo [2000] Supp. 2011. Emergency rule filed Oct. 1, 2004, effective Oct. 15, 2004, expired April 15, 2005. Original rule filed March 31, 2006, effective Nov. 30, 2006. Amended: Filed Feb. 1, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Melissa Manda, Deputy General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 45—Division of [Mental Retardation and]  
Developmental Disabilities  
Chapter 2—Eligibility for Services**

**PROPOSED AMENDMENT**

**9 CSR 45-2.017 Utilization Review Process.** The division is amending sections (1), (5), (6), (7), (8), (9), and (12), deleting sections (2) and (16), adding a new section (2), (3), (18), and (19), renumbering as necessary, deleting the Utilization Review Checklist currently in the *Code of State Regulations*, and replacing the Prioritization of Need for Services/Supports form currently in the *Code of State Regulations*.

**PURPOSE:** This amendment implements enhancements to the instrument for determining access to funded services. The enhancements were developed based on input from a group of stakeholders including parents of children with developmental disabilities, county boards for developmental disabilities, provider organizations, and division staff. The assessment instrument has been field tested and evaluated by independent consultants with expertise in the field of developmental disabilities, is expected to be a more valid and reliable instrument for determining level of need, and will result in a more equitable method for determining access to services. Individuals who are on the waiting list for services as of the effective date of this rule shall not have their score reduced, but may have their score increased if there is a change in their circumstances that warrants a new prioritization of need assessment. The new assessment instrument does not

apply to the new Partnership for Hope waiver detailed in a pending amendment to 9 CSR 45-2.015. The amendment also permits County Boards for Developmental Disabilities to establish their own utilization review committee. The amendment eliminates the Utilization Review Checklist, and enables the Regional Director or SB 40 Executive Director to use his or her own discretion when appointing members to the Utilization Review Committee. This amendment also changes the name of the division to comply with HB 555 and HB 648 which remove the term “mental retardation” from Missouri statutes. This amendment also changes “regional centers” to “regional offices,” changes “mental retardation” to “developmental disabilities,” changes the “Division of Medical Services” to “MO HealthNet Division,” expands the definition of plan to person-centered planning process, and adds a definition for service plan.

(1) Definitions.

(B) Budget—The total cost of services and supports recommended or approved to meet an individual’s needs identified in a service plan.

(D) Division—Division of [Mental Retardation and] Developmental Disabilities.

(E) Emergency criteria consist of one (1) or more of the following:

1. The individual is in immediate need of life-sustaining services (food and shelter, or protection from harm) and there is no alternative to division funding or provision of those services;

2. The individual needs immediate services in order to protect self or another person [or persons] from imminent physical harm;

3. The individual is residing in [a public institution such as] an intermediate care facility for persons who have [mental retardation] developmental disabilities (ICF//MR/DD) or a skilled nursing facility (SNF) and has been assessed as able to live in a less restrictive arrangement in the community, the individual wants to live in the community, and appropriate services and supports can be arranged through the waiver;

4. The individual had been receiving significant services through division-funded programs and services, is evaluated to still need the significant level of services, but is no longer eligible for the program or services due to age or other criteria, such as Sarah Jian Lopez waiver and Autism waiver;

5. The individual is in the care and custody of the Department of Social Services, Children’s Division, which has a formal agreement in place with a division regional [center] office to fund the costs of waiver services for the specific individual;

6. The individual is under age eighteen (18) and requires coordinated services through several agencies to avoid court action; or

7. The individual is subject to ongoing or pending legal action that requires immediate delivery of services.

(F) [Plan—An annual plan of care identifying all support needs an individual with a developmental disability has and how the needs shall be met.] **Person-centered planning process**—A process directed by the individual, with assistance as needed from a guardian, public administrator, the responsible party, or other person as freely chosen by the individual. The process may include other individuals freely chosen by the participant who are able to serve as important contributors to the process. The person-centered planning process enables and assists the individual to access a personalized mix of paid and non-paid services and supports that will assist him/her to achieve personally-defined outcomes and the training, supports, therapies, treatments, and/or other services become part of the service plan.

(G) Prioritization of need (PON)—[Process] An assessment instrument that assigns a score to the level of need. [for an individual for a specific service need that is wait listed so that persons with the greatest need for services and supports are served first when funding is available.] Scoring is used to determine access to services.

(J) **Service plan**—A document directed by the individual, with assistance as needed from a representative, in collaboration with an interdisciplinary team. The service plan identifies strengths, capacities, preferences, needs, and desired outcomes of the individual. A service plan shall encompass personalized mix of paid and non-paid services and supports that will assist him/her to achieve personally defined outcomes. Training, supports, therapies, treatments, and/or other services to be provided for the individual become part of the service plan.

[(J)](K) **Service/Support**—Informal and formal means of meeting needs identified in the *[plan of care] service plan*.

[(K)](L) **Utilization Review Committee (URC)**—A formal committee established at each regional *[center]* office or at an SB 40 Board to review PON assessments, proposed service plans, and budgets and make recommendations utilizing the form included herein before services are approved and authorized. If an SB 40 Board does not create a URC then they must use the regional office URC.

[(2) Each regional center director shall appoint a URC. URC members shall be regional center staff representing: a) quality assurance; b) community resource specialist; c) business office; d) service coordination; and/or e) administration. Membership may also include a parent or guardian representative and a SB40 Board representative. A minimum of three (3) members shall be present in order for the URC to conduct official business.

(A) The URC shall meet a minimum of once per week.

(B) The URC shall review the following personal plans:

1. All initial plans/budgets with funds;
2. Amended plans that increase the total plan/budget by adding a new service or increasing the dollar amount of a specific service; and
3. Plans at the discretion of the local URC.

(C) To ensure documentation in the personal plan and budget supports the service need, the URC shall use the Utilization Review Checklist, included herein, to review each plan and budget.

(D) Other plan and budget reviews shall continue to be completed by the service coordinator and/or service coordination supervisor, as directed by the regional center director.

(E) The URC shall evaluate need and assign a PON score for service needs that cannot immediately be funded.]

(2) Following the establishment of eligibility for division services in accordance with 9 CSR 45-2.010, the person-centered planning process begins. The prioritization of need (PON) form, included herein, shall be completed by the service coordinator through discussion with the individual and/or their guardian, and with input from others as directed by the individual and/or his or her guardian. A service plan is developed through discussion with the individual and/or their guardian and with input from others as directed by the individual and/or his or her guardian. A budget is completed identifying potential sources of support including both funded and natural supports. The PON, service plan, and the budget are then submitted to URC, and copy of the PON, service plan, and the budget are provided to the individual and/or his or her guardian.

(3) Each regional director shall appoint a URC. A SB 40 executive director may appoint a URC. URC members shall include the agency director or designee from senior management and service coordination. Membership may include other staff as designated by the regional director or as designated by the SB 40 executive director and may also include a parent or guardian representative. A minimum of three (3) members shall be present in order for the URC to conduct official business.

(A) The URC shall meet a minimum of once per week or as

needed to meet timelines.

(B) The URC shall review the documentation described in section (2) above, under the following circumstances:

1. When individuals will be receiving funded services for the first time;

2. When the individual's service plan and budget is amended by adding new services or increasing the dollar amount of a specific service;

3. When individuals who are participating in the Partnership for Hope waiver move from a participating county into one that does not participate in the Partnership for Hope waiver;

4. The individual is receiving services under a waiver, but the waiver is no longer meeting their needs due to a new need for a service not covered in that waiver or due to a cost limit in that waiver; or

5. Any other situation at the discretion of the URC.

(C) The URC shall not review changes to service plans with no increase in the total budget.

(D) In emergency situations, the regional director has the authority to approve an increase in a service plan to protect the health and safety of an individual and to subsequently report the decision to the URC.

[(3)](4) Following implementation of the initial service plan and annually thereafter, [T]two (2) months prior to the proposed service plan and budget implementation, the service coordinator shall meet with the individual, the individual's family, and as appropriate the individual's responsible party to prepare a service plan and budget with justification for the individual's support needs.

(A) The initial service plan and budget shall be agreed to and the service plan shall be signed by the individual or responsible party. [The service coordinator and the individual or responsible party shall receive a copy of the plan and budget prior to submission of the plan and budget to the URC.]

[(4)](5) One (1) month prior to the proposed service plan and budget implementation, the service coordinator shall submit the signed service plan to the URC.

(A) If the service plan and budget submission to the URC shall otherwise be delayed due to the inability of the service coordinator to obtain the signature of the individual or responsible party, then the service plan and budget shall be forwarded to the URC without the signature and a copy of the service plan and budget shall be mailed to the individual or responsible party.

(6) The URC shall consider a service/support for inclusion on a prioritized waiting list if the service/support meets each of the following criteria:

(A) Need for the service/support is documented in the service plan as necessary for the individual's health, safety, and/or independence and alternative funding or programs are not available to meet the need;

(B) Need for the service/support is specifically related to the person's disability (i.e., not something that would be needed regardless of the person's disability); and

(C) Individuals evaluated with needs meeting emergency criteria receive highest priority in receiving funding for services.

[(5)](7) The URC shall review the service plan and budget within six (6) working days of receipt.

(A) The URC shall review the form as completed by the service coordinator and shall verify the score or shall request additional information if the score cannot be verified based on what was submitted. A copy of the form and final score approved by the URC shall be provided to the individual and/or his or her guardian.

[(A)](B) If no additional information is required, the URC shall

send a recommendation to the regional *[center]* director or designee to approve or disapprove the **service** plan and budget. If more information is needed to review the **service** plan or changes are necessary in the budget or service authorization associated with a **service** plan, that information shall be requested from the service coordinator, who has ten (10) working days to respond to the URC.

*[(B)](C)* The URC shall submit the completed recommendation form, included herein, to the regional *[center]* director or designee to approve or disapprove the **service** plan and budget no later than six (6) working days following receipt of all needed information.

*[(6)](8)* The regional *[center]* director or designee shall approve, amend, or disapprove the URC recommendation within five (5) working days of receipt.

*[(7)](9)* Upon final action by the regional *[center]* director or designee to approve, amend, or disapprove a **service** plan and budget, a copy of the final decision letter and the completed **service** plan and budget shall be provided within ten (10) days of the decision to the individual and/or responsible party, service coordinator and provider(s) by regular mail, fax, or hand delivery. If the regional *[center]* director or designee disapproves a **service** plan and budget, the regional *[center]* director or designee shall include in the final decision letter the reasons for the disapproval or amendment.

*[(8)](10)* The individual or responsible party may appeal the final decision, in writing or verbally, to the regional *[center]* director within thirty (30) days from the date of the final decision letter.

(A) If necessary, appropriate staff shall assist the individual or responsible party in making the appeal.

(B) The regional *[center]* director or designee may meet with the individual or responsible party and any staff to obtain any newly discovered information relevant to the final decision and to hear any comments or objections related to the final decision.

(C) Within ten (10) working days after receiving the appeal, the regional *[center]* director or designee shall notify the individual or responsible party in writing of his/her final decision.

*[(9)](11)* When the final decision, as set forth in section *[(8)] (10)* above, results in any individual being denied service(s) based on a determination the individual is not eligible for the service(s) or adversely affects a waiver service for an individual, the individual and/or responsible party may appeal in accordance with the procedures set forth in 9 CSR 45-2.020(3)(C) *[and (5)]*.

(A) An individual and/or responsible party participating in a Division Medicaid *[W/waiver]* program has appeal rights through both the Department of Mental Health and the Department of Social Services. Those individuals may appeal to Department of Social Services before, during, or after exhausting the Department of Mental Health appeal process. Once the appeal process through Department of Social Services begins, appeal rights through the Department of Mental Health cease. Individuals appealing to the Department of Social Services must do so in writing within ninety (90) days of written notice of the adverse action to request an appeal hearing. Requests for appeal to the Department of Social Services should be sent to: *[Division of Medical Services Recipient] MO HealthNet Division, Participant* Services Unit, PO Box 6500, Jefferson City, MO 65102-6500, or call *[Recipient] Participant* Services Unit at 1 (800) 392-2161.

*[(10)](12)* If an individual and/or responsible party timely files an appeal of a final decision, services currently being provided under an existing *[plan of care] service plan* will not be suspended, reduced, or terminated pending a hearing decision unless the individual or legal representative requests in writing that services be suspended, reduced, or terminated.

(A) The individual and/or responsible party may be responsible for repayment of any federal or state funds expended for services

while the appeal is pending if the hearing decision upholds the director's decision.

*[(11)](13)* The service coordinator shall provide guidance to the individual, family, and the responsible party about any alternative resources potentially available to support needs that are not approved through the URC process.

*[(12)](14)* New services/supports **that result in an increase in the total budget** shall not begin before the **service** plan and budget are approved through the URC **and approved by the regional director**, except in an emergency situation approved by the regional *[center]* director or designee.

*[(13)](15)* Budgets are determined by the total cost of all services and supports paid through the billing system of the department. Services and supports paid for outside of the department billing system are excluded.

(A) When multiple family members are receiving division services, this shall be noted. All of the budgets shall be considered together in the utilization review process in order to have a comprehensive picture of all services/supports going into a single home so the necessary level of services can be determined. This does not require each family member's **service** plan be on the same plan year, but does require all of the current supports in the home be considered.

(B) Applicable Medicaid State Plan services shall be accessed first when the individual is Medicaid eligible and the services will meet the individual's needs.

*[(14)](16)* Once a budget is approved through the utilization review process, any request for additional funds shall be added to the approved budget (the total cost of all services/supports—including department, SB 40 Board *[Waiver] funds*, and non-waiver match, and Medicaid *[W/waiver]* match dollars) to determine the new utilization review level. The additional request may not be considered in isolation of other services/supports the individual and family are receiving.

*[(15)](17)* A review of a single service should not delay the implementation of other services in the plan.

*[(16)] The URC shall complete the priority of need form, included herein, and shall assign a score for each service request in one (1) or more of the following six (6) categories of need: emergency; health and safety; family support; daily living supports; inclusion and/or recreational supports; and long-term planning.*

*(A) The URC shall consider a service/support for inclusion on a prioritized waiting list if the service/support meets each of the following criteria:*

*1. Need for the service/support is documented in the person centered plan as necessary for the individual's health, safety, and/or independence and alternative funding or programs are not available to meet the need; and*

*2. Need for the service/support is specifically related to the person's disability (i.e., not something that would be needed regardless of the person's disability).*

*(B) Individuals evaluated with needs meeting emergency criteria receive highest priority in receiving funding for services.]*

**(18) A new prioritization of need form shall be completed and a new score assigned upon occurrence of any of the following:**

**(A) A new service is requested that increases the total budget;**

**(B) A request for an increase of current service levels;**

**(C) A change in any of the categories of need for which scores**

may be assigned; or

(D) Any other change in the individual's personal circumstances, environment, or family situation impacting their level of need.

(19) Other service plan and budget reviews shall continue to be completed by the service coordinator and/or service coordination supervisor, as directed by the regional director.

**[ DEPARTMENT OF MENTAL HEALTH – Utilization Review Checklist**

<b>REGIONAL CENTER:</b> _____	<b>DATE OF REVIEW:</b> _____
Consumer Name: _____	Case #: _____
UR TOTAL \$ _____ 1 <sup>ST</sup> year _____ Annual _____ Last year URL \$ _____	
Additional Information: _____	

**PLANNING**

_____	Does the plan document the need for each service/support?
_____	Are clear outcomes identified for each service/support?
_____	What alternative solutions including technological, adaptive equipment, community resources have been explored to achieve identified outcomes?
_____	Have needs been prioritized by the person/family?
_____	How long has this level of support been in place?
_____	Has progress toward the stated outcomes been documented?
_____	If the person is Medicaid eligible, have applicable state plan services been accessed when they will meet the needs? <b>(For persons under age 21, this includes all OT, PT, and speech therapies, most adaptive equipment, diapers, and personal care that meet the state plan definition. For adults, this includes personal care provided through Department of Health and Senior Services.)</b> If not, why?
_____	For children, are any services/supports requested the responsibility of the local school district? <b>(The Division cannot supplant services/supports that should be provided by local school districts. The plan should note therapies the child is receiving at school, including frequency, intensity, and duration.)</b>
_____	For children, if additional therapies are educationally necessary, have they been pursued through the IEP process?

**FINANCIAL** Where applicable:

_____	Are prescriptions or recommendations for therapies, equipment, etc., attached?
_____	Are denial letters from insurance companies or other primary funding sources attached?
_____	Are bids attached?
_____	Is the budget page completed, including frequency and rates? Is the math correct?
_____	Were there services last year that were authorized and not invoiced? If not, why?
_____	Did last year's authorizations/expenditures match the approved budget?
_____	Are cost projections reasonable based on ongoing service needs?
_____	Is the proposed solution the most cost effective, if not why?

_____	Is the MRDD funding source noted? (i.e. Choices)
_____	Are all expenditures within the program/service cap? <b>(ABA \$5,000; Environmental Accessibility Adaptations Home Modifications \$5,000; Choices \$3,600, etc.)</b>
_____	Are there contracts with providers who are receiving over \$3000 per year?
_____	If there is a request for adaptive equipment, does the plan identify the specific equipment/supplies needed and the justification for each? <b>(It is not acceptable to approve "up to" the cap for a program service without justification.)</b>
_____	Is there a redirection of funds involved? <b>(Do health and safety needs justify redirection?)</b>
_____	Has the person applied for Medicaid? If ineligible, why? _____

**MISSOURI VALUES**

_____	Is the service a <b>NEED</b> rather than a <b>WANT</b> ? To determine the difference, ask the question "What would happen without the service?" "Needs" meet health, safety, and independence requirements (as appropriate to the individual) that cannot be met by any alternative funding or program source. <b>(Is this for maintenance of independent living, prevention from moving to a more restrictive setting, proactive prevention of a potentially abusive situation, etc.?)</b>
_____	Does the service facilitate a typical lifestyle and not foster dependence on the system?
_____	Is the amount of support based on the level of need?
_____	Have natural supports or other ways to meet the need been explored first?
_____	Is the service/support something that families do not typically provide?
_____	Would Missouri taxpayers agree service/support should be purchased with state tax dollars?

**RESIDENTIAL**

_____	Is this a single person ISL? ____Yes ____No If Yes, is the following information in the plan: Other options tried? ____Yes ____No (If yes, explain outcome of those options. If No, explain why other options were not tried.)
_____	Is the Administration fee limited to 15% or \$500 maximum?
_____	Are room and board costs within the financial means of the individuals living in the home?
_____	Is the level of overnight support justified in the plan?
_____	Are the hours of paid support (for example, ISL, Day Hab, Employment) limited to 24 hours per day?
_____	Are there other issues of concern?

## [ DEPARTMENT OF MENTAL HEALTH Prioritization of Need for Services/Supports

Residential

In-Home Support

Consumer Name: _____	Case #: _____
Service Coordinator: _____ Date Placed on Waiting List: _____	
Service #1 Category/Points: _____	
Service #2 Category/Points: _____	
Service #3 Category/Points: _____	
Additional Information: Date Scored: _____ URC Representative: _____	

In order to be on the prioritized waiting list for services/supports, the service/support *must be*:

- Identified as a need in a person-centered plan;
- Specifically related to the individual's disability (i.e., not something that would be needed regardless of the individual's disability); and
- Unavailable through natural support systems or other funding sources.

First, read through the categories, then:

- Pick the category that best describes each service need of the individual.
- Only one category can be selected per service. Prioritize this decision based on the service/support (*not* by person).
- Once a category has been selected, only compile the points for the selected category for each service.
- When the category points are tallied, transfer category letter and the total points to the top of this page.
- If Emergency or Health and Safety category is chosen the person-centered plan must reflect what safeguard and/or emergency measures have been put in place to address the concerns.

A service can only be prioritized or listed under one category, however, there can be more than one service in any category.

Points	<b>CATEGORY: E Emergency (12 points) See 9 CSR 45-2.017(1)(E)</b>
_____	<p><b>12 pts.</b> This service/support is necessary due to the individual's emergency situation. An emergency situation is described as one of the following:</p> <ol style="list-style-type: none"> <li>1) The individual is in immediate need of life-sustaining services (food, shelter, protection from harm) and there is no alternative to Division funding or provision of those services.</li> <li>2) The individual needs immediate services to protect another person(s) from imminent physical harm.</li> <li>3) The individual currently resides in a public institution and has been assessed as able to live in a less restrictive arrangement in the community, the individual wants to live in the community, and appropriate services and supports can be arranged through the waiver. (Olmstead)</li> <li>4) The individual is aging out of the Lopez Waiver and still requires substantial waiver services. (Does not include consumers that would be more appropriately served in the Physically Disabled Waiver)</li> <li>5) The individual is in the care and custody of DSS Children's Division, which has a formal agreement in place with a division regional center to fund costs of waiver services for the specific individual.</li> <li>6) The individual is under age 18 and requires coordinated services through several agencies to avoid court action. (System of Care)</li> </ol>

	7) The individual is subject to ongoing or pending legal action and requires immediate delivery of services.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
Points	<b>CATEGORY: H Health and Safety (5 to 12 points)</b>
_____	<b>5 pts.</b> The service/support is necessary to ensure the health and safety of the individual or others, i.e., not providing the service/support will place the individual or others at risk of illness, injury, or harm.
	In order to be categorized as a health and safety need, the degree of risk must be greater than 50% chance without intervention.
_____	Add 1 point (+1 pt.) if degree of risk is imminent—definite and immediate.
_____	Add 2 points (+2 pt.) if individual has no permanent residence.
_____	Add points (maximum of 4) based on Physical/Behavioral Support Checklists. (pg. 3)
	Cumulative points for Category Health and Safety. (Not to exceed 12)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	<b>CATEGORY: F Family Support (4 to 11 points)</b>
_____	<b>4 pts.</b> The service/support is necessary to help the family care for their family member in their home or family support is not available.
_____	Add points (maximum of 4) based on Physical/Behavioral Support Checklists. (pg. 4)
_____	Add points (maximum of 3) for other family circumstances. Mark as many as applicable to get a full picture of the family need, however, can only add 3 points.
_____	+ 3 pts. Death of primary caregiver.
_____	+ 3 pts. Primary caregiver has a terminal diagnosis.
_____	+ 2 pts. Primary caregiver has other chronic health conditions that significantly impact his/her ability to provide needed supports for the person.
_____	+ 2 pts. Primary caregiver over age 75.
_____	+ 1 pt. Primary caregiver over age 65.
_____	+ 1 pt. Single parent family.
_____	+ 1 pt. Recent (within past 6 mos.) divorce or separation.
_____	+ 1 pt. More than one family member eligible for MRDD services.
_____	+ 1 pt. At least 3 children under the age of 10 living in the home.
_____	+ 1 pt. Recent (within past 6 mos.) unplanned loss of employment.
_____	+1 pt. Primary caregiver at risk of job loss to provide care for the person in the home.
	Cumulative points for Category Family Support. (Not to exceed 11)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	<b>CATEGORY: D Daily Living Supports (4 to 6 points)</b>
_____	<b>4 pts.</b> The service/support is necessary to help the individual perform activities of daily living, e.g., communication, mobility, self-care, etc. <u>or</u> to assist an individual with independent living or developing the skills necessary to do so. Examples include personal assistance, supported employment, habilitation training, therapy services (including Applied Behavior Analysis), specialized medical equipment and supplies, and environmental accessibility adaptations.
_____	Add points if the individual currently lives independently (i.e., is not receiving residential services, including ISL) and is at risk of moving to a more restrictive setting or of losing a degree of independence without the service/support requested. + 2 pts. Immediate (within 30 days). + 1 pt. Prospective (likely within 1 year).
_____	Cumulative points for Category Daily Living Supports. (Not to exceed 6)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	<b>CATEGORY: I Inclusion and/or Recreational Supports (In-Home Supports Only)</b>
_____	<b>2 pts.</b> Service/support is necessary to address barriers that might keep the person <b>individual</b> from fully participating in his/her community and/or recreational activities.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

There are no other contributors to Category Inclusion and/or Recreational Supports.

Points	<b>CATEGORY: L Long Term Planning: This category is either 2 pts <u>OR</u> 1 pt</b>
_____	<b>2 pts.</b> Individual is receiving residential services from an alternative funding source (Children's Division or DMH-CPS). Current residential situation has a time limitation or age restriction and individual has no natural home in which to return or the individual is receiving residential services from DMH but needs enhanced or alternative services (Rescore service need 6 months prior to time limited funds ending)
_____	<b>OR</b>
_____	<b>1 pt</b> Family has long term planning needs, e.g. knows that they want placement sometime in the future.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

There are no other contributors to Category Long Term Planning

Complete both Checklists on this page as they pertain to either Category Health and Safety or Family Support:

- Check every applicable event to create a clear picture of the situation.
- A maximum of 2 points from each section can be allocated to the category, for a total of 4 points, even though more may apply.
- If there is only 1 contributing point in the Behavioral Checklist, but three or more points in the Physical Checklist, you cannot count a total of 4 points. Only 2 points per checklist.
- When the checklist points are tallied, transfer total points to appropriate category.
- Unless otherwise noted, the behavioral or physical need identified must have occurred within the last year.

Points	BEHAVIORAL SUPPORTS CHECKLIST
2pt max.	___ +1 pt. Made threats verbally and/or physically (with reasonable threat of physical harm).
	___ +1 pt. Destroyed property.
	___ +1 pt. Ran away (elopement) or leaves area of safety and supervision.
	___ +1 pt. Abused alcohol and/or substances.
	___ +1 pt. 2 or more medications used to treat mental illness and/or for behavioral control.
	___ +1 pt. Compulsive/Ritualistic behavior that significantly interferes with the person's and family's daily routines.
	___ +2 pts. Harmed himself or herself.
	___ +2 pts. Harmed others (includes animals).
	___ +2 pts. Ingested toxic and/or non-food substances or dangerous food/liquid quantities.
	___ +2 pts. Made a suicide attempt or threat.
	___ +2 pts. Set fires
	___ +2 pts. Been sexually aggressive.
	___ +2 pts. Physical restraint used in last 6 months.
	___ +2 pts. Awake overnight.
Points	PHYSICAL SUPPORTS CHECKLIST
2pt max.	___ +1 pt. Chronic pain.
	___ +1 pt. Significant weight loss or gain (5% of body weight within last 30 days or 10% within last 6 months).
	___ +1 pt. Legally blind requiring assistive measures even in familiar settings.
	___ +1 pt. Legally deaf making interactive communication difficult for caregiver or requiring specialized equipment.
	___ +2 pts. Frequent illnesses that interfere with the individual's and family's daily routines.
	___ +2 pts. Frequent injuries and/or falls that require medical attention.
	___ +2 pts. Seizures—frequent and uncontrolled and/or that required emergency hospitalization within the last year.
	___ +2 pts. Suctioning, tracheotomy, oxygen therapy, ventilator.
	___ +2 pts. Choking/choking precautions.
	___ +2 pts. Tube feeding and/or spoon feeding by caregiver.
	___ +2 pts. Incontinence; daily catheterization and/or bowel care.
	___ +2 pts. Individual requires lifting for transfer that is difficult for caregiver(s).
	___ +2 pts. Orthopedic conditions—scoliosis, hip dysplasia, contractures, etc.
	___ +2 pts. Skin breakdowns.

\_\_\_\_\_ Total points of both categories that can be allocated to chosen category. Not to exceed 4.

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

The answers on this form should reflect how much support or assistance the person needs or requires, either for the management of a behavioral or health condition or to complete a task or activity. This may not be the same as how much support or assistance the person is currently receiving. Unless specifically asked to do otherwise, consider the past 3 to 6 months when answering the questions. Please check only one box per item, unless specifically asked to do otherwise.

After identifying the type of support need for each item, please identify if there is an unmet need placing the person at risk of illness, injury or harm.

Please skip the following four sections if the individual is under the age of **seven**: Daily Living Supports, Personal Care Supports, Safety, and Unusual Behavioral Supports.

PLEASE CHECK YES FOR ANY CRITICAL SERVICE SITUATION; OTHERWISE, CHECK NO.

Critical Service Situation	No	Yes
	✓	✓
a. Young adult aging out of Lopez or Autism Waiver and needs the same level of care to maintain well-being	<input type="checkbox"/>	<input type="checkbox"/>
b. Olmstead issue	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the focus of a court order or imminent court order	<input type="checkbox"/>	<input type="checkbox"/>
d. The person is under age 18 and requires coordinated services through several agencies to avoid court action	<input type="checkbox"/>	<input type="checkbox"/>
e. The person is in the care and custody of DSS Children's Division, which has a formal agreement in place with a division regional office (when formal agreement is ending)	<input type="checkbox"/>	<input type="checkbox"/>
f. Requires immediate life-sustaining intervention to prevent an unplanned hospitalization or residential placement	<input type="checkbox"/>	<input type="checkbox"/>
g. Person needs immediate services in order to protect self, another person(s) from immediate harm.	<input type="checkbox"/>	<input type="checkbox"/>
State page and paragraph in service plan where this is documented:		

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

CHECK THE ONE BOX WHICH BEST DESCRIBES HOW MUCH SUPPORT THE PERSON TYPICALLY REQUIRES TO DO EACH DAILY LIVING ACTIVITY. FOR EACH ITEM, INDICATE IF THERE IS AN UNMET NEED PLACING A PERSON AT RISK OF ILLNESS, INJURY OR HARM.

Daily Living Supports		✓	Unmet Need ✓
1. Mobility in the Community – Includes the ability to move around outside and in the community (Does not include any transportation needs). *please refer to the manual if the person is wheelchair dependent*	Independent	0	<input type="checkbox"/>
	Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
2. Taking Medications – Includes taking the correct medication, accurate dose, and proper consistency (e.g., crushed) at the correct time or filling pillbox if used. Includes monitoring glucose level if needed.	Independent	0	<input type="checkbox"/>
	Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
3. Using the Telephone – Includes dialing the number and/or communication over the phone	Independent	0	<input type="checkbox"/>
	Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
4. Doing Household Chores – Includes housecleaning, laundry, etc.	Independent	0	<input type="checkbox"/>
	Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
5. Shopping and Meal Planning – Includes planning for meals and shopping for groceries or other goods in neighborhood area.	Independent	0	<input type="checkbox"/>
	Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
6. Meal Preparation and Cooking – Includes getting the food out of the cupboard or refrigerator, preparing food (including making food into appropriate consistency such as ground up, specified piece size, pureed, or liquefied), making cold meals (such as sandwiches or snacks), and cooking simple meals.	Independent	0	<input type="checkbox"/>
	Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	

Level of unmet need score (0 to 12): If unmet need category is endorsed, sum responses. Total= \_\_\_\_

What page and paragraph can a detailed description of unmet need be found in the service plan?

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

CHECK THE <u>ONE</u> BOX WHICH BEST DESCRIBES HOW MUCH SUPPORT THE PERSON <u>TYPICALLY</u> REQUIRES TO DO EACH PERSONAL CARE ACTIVITY. FOR EACH ITEM, INDICATE IF THERE IS AN UNMET NEED PLACING A PERSON AT RISK OF ILLNESS, INJURY OR HARM.			
Personal Care Supports			Unmet Need ✓
7. Dressing and Undressing – Includes ability to take clothes out of drawers, choose weather appropriate clothes, and use of fasteners.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
8. Bathing or Showering – Includes sponge bath, tub bath or shower and water temperature regulation.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
9. Grooming and Personal Care – Includes brushing teeth or hair, shaving or applying deodorant.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
10. Using the Toilet – Includes going to the bathroom for bowel and urine elimination, wiping self, menstruation care, incontinent care, and ostomy/catheter care.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
11. Eating (includes IV, NG, G, or J tube feeding) – Includes ability to use fork or spoon from plate to mouth and to cut food. Does not include chewing and swallowing (covered below).	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
12. Changing Position in Bed – Includes ability to turn side to side. Does not include ability to get out of bed or chair.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
13. Chewing and Swallowing – Includes ability to chew food and swallow food without choking.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
14. Mobility in the Home – Includes the ability to move around inside the home or residence. *please refer to the manual if the person is wheelchair dependent*	Independent	0	<input type="checkbox"/>
	Partial Assistance/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
15. Transferring – Includes ability to move from bed to a chair or to a wheelchair.	Independent	0	<input type="checkbox"/>
	Verbal Prompting/Monitoring	1	
	Partial hands-on assistance	2	
	Total hands-on assistance	2	
<p>Level of unmet need score (0 to 18): If unmet need category is endorsed, sum responses. Total= ____</p> <p>Is attention required during overnight? No <input type="checkbox"/> Yes <input type="checkbox"/> Unmet need? <input type="checkbox"/> +1</p> <p>What page and paragraph can a detailed description of unmet need be found in the service plan?</p>			

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

PLEASE CHECK THE ONE BOX WHICH BEST DESCRIBES SAFETY SUPPORTS. FOR EACH ITEM, INDICATE IF THERE IS AN UNMET NEED PLACING A PERSON AT RISK OF ILLNESS, INJURY OR HARM.			
Safety Supports	No ✓	Yes ✓	Unmet Need ✓
16. The person responds appropriately <u>without prompting</u> to basic safety issues at home – for example, evacuating the residence if there is a fire.	<input type="checkbox"/> 1	<input type="checkbox"/> 0	<input type="checkbox"/>
17. Overall, the person usually makes safe choices when at home – for example, not putting metal in a microwave or toaster, not opening the door to strangers or locking the door at night.	<input type="checkbox"/> 1	<input type="checkbox"/> 0	<input type="checkbox"/>
18. The person <u>always</u> requires 2 people for transferring, fire evacuation, or positioning.	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/>
19. The person is able to obtain necessary emergency assistance by some means – for example, dialing 911, pressing an emergency button, getting help from a neighbor, etc.	<input type="checkbox"/> 1	<input type="checkbox"/> 0	<input type="checkbox"/>
20. The person responds appropriately to safety issues when <u>not at home</u> – for example, evacuating building appropriately if fire alarm goes off, staying on the sidewalk or refusing a ride from a stranger.	<input type="checkbox"/> 1	<input type="checkbox"/> 0	<input type="checkbox"/>
21. The person is able to avoid being taken advantage of financially – for example, not giving his/her money to strangers, or not giving out personal financial or social security information to strangers.	<input type="checkbox"/> 1	<input type="checkbox"/> 0	<input type="checkbox"/>
22. The person is able to avoid being taken advantage of sexually or is able to avoid sexual exploitation, including when at home, in the community, or with strangers.	<input type="checkbox"/> 1	<input type="checkbox"/> 0	<input type="checkbox"/>
<p>Level of unmet need score (0 to 7): If unmet need category is endorsed, sum responses. Total=___</p> <p>Is attention required during overnight? No <input type="checkbox"/> Yes <input type="checkbox"/> Unmet Need? <input type="checkbox"/> +1</p> <p>What page and paragraph can a detailed description of unmet need be found in the service plan?</p>			

Missouri Division of Developmental Disabilities  
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Support Required	Support Frequency																															
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No ✓	Yes ✓	Support	✓	Frequency	✓	Unmet Need ✓																										
23. Bolting (Suddenly running or darting away--excludes wandering away).	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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24. Eating or drinking <u>nonfood</u> item (pica) (Includes ingestion of items or liquids not meant for food, such as paper clips, coins, detergent, dirt, cleaning solutions, etc.).	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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25. Impulsive food or liquid ingestion (Includes binge eating or compulsive, rapid ingestion of large quantities of food or liquid).	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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26. Intentional property destruction.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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27. Self-injurious behavior (Includes any behavior which harms one's physical self, such as head banging, biting/ hitting self, skin picking, scratching self, etc.).	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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28. Severe physical assault or aggression (Can cause injury such as biting, or punching, or attacking).	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands on Support	3	Weekly	4					Daily	5
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<p><b>Level of unmet need score (0 to 8): If unmet need category is endorsed, add support + frequency. Report the highest individual score. Total=</b> _____</p> <p><b>Is attention required during overnight?</b> No <input type="checkbox"/> Yes <input type="checkbox"/> <b>Unmet Need?</b> <input type="checkbox"/> +1</p> <p><b>What page and paragraph can a detailed description of unmet need be found in the service plan?</b></p>																																

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Disruptive behaviors, <u>not</u> aggression (Includes any behavior which disrupts or interferes with activities of the person or others).</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> <tr> <td rowspan="5" style="vertical-align: top;">30. 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Disruptive behaviors, <u>not</u> aggression (Includes any behavior which disrupts or interferes with activities of the person or others).	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>	Monitor	1	Less Monthly	2	Verbal Redirection	2	Monthly	3	Hands-on Support	3	Weekly	4			Daily	5	30. Mild physical assault, aggression or theft (Does not cause injury, such as pushing, grabbing, or spitting).	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>	Monitor	1	Less Monthly	2	Verbal Redirection	2	Monthly	3	Hands-on Support	3	Weekly	4			Daily	5	31. Opposes support or assistance that places the individual at risk of illness, injury or harm (Includes resisting care or assistance).	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>	Monitor	1	Less Monthly	2	Verbal Redirection	2	Monthly	3	Hands-on Support	3	Weekly	4			Daily	5	32. 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<p>34. Sexually inappropriate behavior in <u>past 12 months</u> (Includes a wide range of behaviors such as disrobing, sexually inappropriate comments, masturbating in public, as well as sexually aggressive behavior).</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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<p>35. Criminal concerns in <u>past 12 months</u> (Includes any criminal justice issues or concerns, or problems with the law).</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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<p>36. Serious suicide attempt or serious threat made in the <u>past 12 months</u>. *please refer to manual for explanation*</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>No support needed</td> <td style="text-align: center;">0</td> <td>Episodic</td> <td style="text-align: center;">1</td> <td rowspan="5" style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Monitor</td> <td style="text-align: center;">1</td> <td>Less Monthly</td> <td style="text-align: center;">2</td> </tr> <tr> <td></td> <td></td> <td>Verbal Redirection</td> <td style="text-align: center;">2</td> <td>Monthly</td> <td style="text-align: center;">3</td> </tr> <tr> <td></td> <td></td> <td>Hands-on Support</td> <td style="text-align: center;">3</td> <td>Weekly</td> <td style="text-align: center;">4</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Daily</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	<input type="checkbox"/>	<input type="checkbox"/>	No support needed	0	Episodic	1	<input type="checkbox"/>			Monitor	1	Less Monthly	2			Verbal Redirection	2	Monthly	3			Hands-on Support	3	Weekly	4					Daily	5
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Verbal Redirection	2	Uncontrolled	3																																																			
Hands-on Support	3																																																					
<p><b>Level of unmet need score (0 to 6): If unmet need category is endorsed, add support + frequency. Report the highest individual score. Total=___</b></p> <p><b>Is attention required during overnight? No <input type="checkbox"/> Yes <input type="checkbox"/> Unmet Need? <input type="checkbox"/> +1</b></p> <p><b>What page and paragraph can a detailed description of unmet need be found in the service plan?</b></p>																																																						

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

Support Frequency									
<ul style="list-style-type: none"> <li>No Support Needed=No support needed for prescribed medical treatments</li> <li>Less than Weekly=Less than one time per week</li> <li>Once a Week=Once a week</li> </ul>					<ul style="list-style-type: none"> <li>Several Times a Week=Two or more times per week</li> <li>Once a Day=Once a day</li> <li>Multiple Times a Day=Multiple times a day</li> </ul>				
<p>PLEASE CHECK YES FOR ANY PRESCRIBED MEDICAL TREATMENTS, PROCEDURES OR CONDITIONS SUPPORTED OR JUSTIFIED IN THE SERVICE PLAN; OTHERWISE, CHECK NO. SUPPORT FREQUENCY REFERS TO THE AMOUNT OF CARE ASSOCIATED WITH THE TREATMENT, RATHER THAN THE FACT THAT THE PERSON ALWAYS USES ONE. DO NOT INCLUDE TIME REQUIRED FOR MEDICAL OFFICE VISITS OR OFF-SITE MEDICAL TREATMENTS. FOR EACH ITEM, INDICATE IF THERE IS AN UNMET NEED PLACING A PERSON AT RISK OF ILLNESS, INJURY OR HARM.</p>									
Prescribed Medical Treatments	No ✓	Yes ✓	Frequency	✓	Prescribed Medical Treatments	No ✓	Yes ✓	Frequency	✓
40. Artificial ventilator – This refers to mechanical ventilators which breathe for the person and are on continuously. Consider care and monitoring of ventilator.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0	46. Postural Drainage/Chest PT – Consider how often postural drainage or chest PT is needed.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0
			Less than weekly	1				Less than weekly	1
			Once a week	2				Once a week	2
			Several times a week	3				Several times a week	3
			Once a day	4				Once a day	4
			Multiple times day	5				Multiple times day	5
41. Catheter – If catheter is used continuously, consider catheter care only, such as insertion, removal, cleaning and emptying bag.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0	47. Respiratory suctioning – Consider how often respiratory suctioning is needed.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0
			Less than weekly	1				Less than weekly	1
			Once a week	2				Once a week	2
			Several times a week	3				Several times a week	3
			Once a day	4				Once a day	4
			Multiple times day	5				Multiple times day	5
42. Inhalation therapy or nebulizer – Consider how often each treatment is needed. This does not include oxygen.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0	48. Seizure disorder care (includes grand mal or convulsive seizure).	<input type="checkbox"/>	<input type="checkbox"/>	No Support/Controlled	0
			Less than weekly	1				Less than weekly	1
			Once a week	2				Once a week	2
			Several times a week	3				Several times a week	3
			Once a day	4				Once a day	4
			Multiple times day	5				Multiple times day	5
43. Needle injection - Consider how often an injection is given.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0	49. Tracheostomy – Consider care of stoma, cannula, and any other trach care.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0
			Less than weekly	1				Less than weekly	1
			Once a week	2				Once a week	2
			Several times a week	3				Several times a week	3
			Once a day	4				Once a day	4
			Multiple times day	5				Multiple times day	5
44. Ostomy (colostomy or ileostomy) – Consider care related to the ostomy, such as cleaning the tube area of emptying the bag.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0	50. Tube/IV Feeding (nasogastric, G or J tube, IV) – Consider how often tube/IV feeding is required.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0
			Less than weekly	1				Less than weekly	1
			Once a week	2				Once a week	2
			Several times a week	3				Several times a week	3
			Once a day	4				Once a day	4
			Multiple times day	5				Multiple times day	5
45. Oxygen – If the oxygen is used continuously, consider how often care is needed to administer the oxygen; otherwise consider how often oxygen is needed.	<input type="checkbox"/>	<input type="checkbox"/>	No Support	0				No Support	0
			Less than weekly	1				Less than weekly	1
			Once a week	2				Once a week	2
			Several times a week	3				Several times a week	3
			Once a day	4				Once a day	4
			Multiple times day	5				Multiple times day	5

Level of unmet need score (0 to 5): If unmet need category is endorsed, add support + frequency. Report the highest individual score. Total= \_\_\_\_\_

Is attention required during overnight? No ☐ Yes ☐ Unmet Need? ☐ +1

What page and paragraph can a detailed description of unmet need be found in the service plan?

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

PLEASE CHECK YES FOR ANY DIAGNOSED CONDITION THAT REQUIRES MONITORING BY A LICENSED PROFESSIONAL AND AN ACTIVE TREATMENT PLAN IN THE PAST 12 MONTHS; OTHERWISE, CHECK NO. FOR EACH ITEM, INDICATE IF THERE IS AN UNMET NEED PLACING A PERSON AT RISK OF ILLNESS, INJURY OR HARM.							
Diagnosed Health Conditions	No ✓	Yes ✓	Unmet Need ✓	Diagnosed Health Conditions	No ✓	Yes ✓	Unmet Need ✓
51. Arthritis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	62. Injuries and/or falls that require medical attention at least monthly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
52. Cancer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	63. Lung disease (COPD, emphysema, pulmonary edema, asthma)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53. Choking that requires attention at least daily	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	64. Ongoing open wound care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
54. Chronic pain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65. Orthopedic conditions (e.g., scoliosis, hip dysplasia, contractures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55. Dementia/Alzheimer's disease	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	66. Ongoing skin breakdowns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56. Diabetes (controlled by diet, oral medications, or injections)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	67. Pregnancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
57. Diabetes (controlled by injections given at a medical facility)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	68. Stroke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
58. Dialysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	69. Other neurological impairment (included meningitis, hydrocephalus, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
59. Frequent medical visits (monthly)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	70. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60. Frequent medical visits (weekly or more)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	71. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61. History of suicide attempts or serious threats—active treatment plan in place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Is attention required during overnight? No ☐ Yes ☐ Unmet Need? ☐

What page and paragraph can a detailed description of unmet need be found in the service plan?

PLEASE CHECK YES FOR ANY DEVELOPMENTAL DISABILITY DIAGNOSIS.					
Developmental Disability Diagnosis	No ✓	Yes ✓	Developmental Disability Diagnosis	No ✓	Yes ✓
72. Mental retardation	<input type="checkbox"/>	<input type="checkbox"/>	77. Autism, Asperger's Syndrome, or pervasive developmental disorder	<input type="checkbox"/>	<input type="checkbox"/>
73. Cerebral palsy	<input type="checkbox"/>	<input type="checkbox"/>	78. Brain injury (TBI, ABI)	<input type="checkbox"/>	<input type="checkbox"/>
74. Down syndrome	<input type="checkbox"/>	<input type="checkbox"/>	79. Spina bifida	<input type="checkbox"/>	<input type="checkbox"/>
75. Prader Willi	<input type="checkbox"/>	<input type="checkbox"/>	80. Other _____	<input type="checkbox"/>	<input type="checkbox"/>
76. Other chromosomal disorder (Fragile X, Klinefelter's Syndrome, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	81. Other _____	<input type="checkbox"/>	<input type="checkbox"/>

Missouri Division of Developmental Disabilities  
Prioritization of Need Form

PLEASE CHECK YES FOR THE SOCIAL SUPPORTS CATEGORY THAT IS MOST REFLECTIVE OF THE PERSON'S SITUATION AND NEED FOR FUTURE PLANNING ACTIVITIES							
	No	Yes	Does not impact care	Slight impact on care—no actions required	Moderate impact on care—begin planning in the next 3 years	Heavy impact on care—begin planning in the next 12 months	Emergency— immediate intervention is needed
<b>Natural Supports</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
<b>Person has no natural supports</b> <b>SKIP THIS SECTION</b>							
82. Death of primary caregiver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
83. Primary caregiver has diagnosed terminal diagnosis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
84. Single caregiver family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
85. Risk of removal from home as evidenced by an open Children's Division investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
86. Primary caregiver has a documented intellectual disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
87. Primary caregiver has a documented mental diagnosis (includes memory problems)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
88. Primary caregiver has no access to backup caregivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
89. Primary caregiver caring for an aging parent, ill spouse, or other relative with disabilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
90. Primary caregiver works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
91. Primary caregiver has a physical disability/chronic disease/incapacitated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
92. Primary caregiver has more than 3 children under the age of 10 living in the home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
93. Family has no permanent home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
94. Family /person is at risk of losing home due to financial constraints	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
95. Primary caregiver is facing jail time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
96. Environment with domestic/sexual violence as evidenced by police reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
97. Temporary care giving arrangement *please see manual*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
98. Primary caregiver lost employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
99. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4
<b>Level of unmet need score (0 to 4): If unmet need category is endorsed, report the highest individual score. Total=</b> ____							
<b>What page and paragraph can a detailed description of the impact be found in the service plan?</b>							

**Missouri Division of Developmental Disabilities  
Prioritization of Need Form**

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**This document was produced under grant CFDA 93.779 from the US Department of Health and Human Services, Centers for Medicare and Medicaid Services. However, these contents do not necessarily represent the policy of the U.S. Department of Health and Human Services, and you should not assume endorsement by the Federal Government.**

*AUTHORITY: sections 630.050 and 633.110.2, RSMo [2000] Supp. 2011. Original rule filed March 31, 2006, effective Nov. 30, 2006. Amended: Filed Feb. 1, 2012.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Melissa Manda, Deputy General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 45—Division of [Mental Retardation and]  
Developmental Disabilities  
Chapter 2—Eligibility for Services**

**PROPOSED AMENDMENT**

**9 CSR 45-2.020 Appeals Procedures for Service Eligibility Through the Division of [Mental Retardation and] Developmental Disabilities.** The division is amending the division title, the rule title, and sections (1)–(4) and deleting section (5).

*PURPOSE: This amendment changes the name of the division to comply with HB 555 and HB 648 which remove the term “mental retardation” from Missouri statutes. The amendment changes references to “regional centers” to “regional offices,” changes “case manager” to “service coordinator,” adds a definition for “individual,” changes the word “client” to the word “individual,” and adds the term “intellectual disability” to references to “mental retardation.” The amendment also removes the appeal step to the department director.*

(1) As used in this rule, the following terms mean:

(A) Appeals referee, shall be an impartial, neutral, trained decision maker not employed with the Division of [Mental Retardation and] Developmental Disabilities;

(B) Applicant, a person suspected to [be] have an intellectual disability (also called mentally retarded) or developmental [y disabled] disability and for whom application has been made for regional [center] office services or the person’s representative;

(C) Client, a person who receives services of the Division of [Mental Retardation and] Developmental Disabilities or their [client’s] representative. **Clients will be referred to as individuals hereafter in this rule;**

(D) Representative, shall include, but not necessarily be limited to, the applicant’s/[client’s/individual’s] legal guardian, parent of a minor applicant, or [client] individual and protector (as defined by 9 CSR 45-3.040); and

(E) Supervisor, a [case management] supervisor of service coordinators in a regional [center] office or a unit director in a [mental retardation] developmental disability facility.

(2) Any person who is suspected to [be] have an intellectual disability (also called mentally retarded) or developmental [y disabled] disability shall be eligible for initial diagnostic and counsel-

ing services through the regional [center] office.

(B) Decisions as to an applicant’s eligibility for services, or [a client’s] an individual’s eligibility for continued services, shall be based on an assessment of the applicant’s/[client’s/individual’s] eligibility as determined by Missouri statutes. In making their determinations, staff (for example, members of the assessment team, [case managers] service coordinators, heads of the facilities, appeals referees, and the director of the Missouri Department of Mental Health (DMH)) shall consider, but need not be limited to, each of the following factors and the appeals referee shall include in his/her written decision findings of fact and conclusions of law on each criterion considered:

1. The best interest of the [client] individual/applicant;

2. The person’s level of adaptive behavior and functioning, including the effect upon the individual’s ability to function at either the same or an improved level of interpersonal and functional skills if support from the DMH and contracting private providers is withdrawn or denied; and

3. Whether the [client] individual is eligible for services under the laws of Missouri.

(3) If the applicant, based upon the initial diagnostic evaluation or comprehensive evaluation, or if a [client] individual, based upon a re-evaluation, has been determined ineligible for regional [center] office services, the applicant or [client] individual may appeal the decision on eligibility.

(A) Appropriate, effective notice of the eligibility determination shall be given to the applicant/[client/individual]. This notice shall be given in writing, and verbally, when possible, on a standard DMH form within ten (10) working days of the ineligibility decision. The written notice shall include a specific statement of the factual and legal reasons for ineligibility, a statement that the applicant/[client/individual] has the right to appeal that decision and the name, address, and telephone number of the facility staff person to contact for further information about the decision, the appeals process, or both. In addition to the notice, the applicant/[client/individual] shall receive a brochure which explains the appeals process and the appeals procedures open to the applicant/[client/individual]. If there is any question about the applicant’s/[client’s/individual’s] ability to understand either the form or the brochure after s/he receives his/her notice in person or by telephone, the Missouri Division of [Mental Retardation and] Developmental Disabilities staff person shall verbally explain the basis for the denial of eligibility and the appeals process to the applicant/[client/individual] and shall assist the applicant/[client/individual] in initiating an appeal and contacting Missouri Protection and Advocacy Services. Notice shall be hand-delivered or shall be sent by registered or certified United States mail, return receipt requested, and given verbally, where appropriate, at least thirty (30) days prior to the effective date of the proposed action.

(B) The applicant or [client] individual may appeal the decision, in writing or verbally, to the facility staff within thirty (30) days from the date of receiving the written notice.

1. If necessary, appropriate staff shall assist the applicant/[client/individual] in making the appeal.

2. The applicant or [client] individual may present any information relevant to the appeal. The head of the facility or his/her designee shall meet with the applicant/[client/individual] and any staff to attempt to resolve differences and receive information on the matter.

3. Within ten (10) working days after receiving the appeal, the head of the facility shall notify the applicant verbally, when possible, and in writing of his/her findings and decision and of the right to appeal, including notice of where and how to direct appeal.

(C) If the applicant/[client/individual] disagrees with the decision of the head of the facility, the applicant/[client/individual], verbally or in writing, may notify the facility staff within thirty (30) days of the date of receipt of the decision that the applicant/[client/individual]

wishes to present the case to an appeals referee. If the applicant/*[client]* **individual** verbally requests an appeal to the appeals referee, facility staff shall send the person a notice via registered or certified mail, return receipt requested, verifying that the applicant/*[client]* **individual** has verbally requested an appeal. The facility staff also shall forward the verification notice to the appeals referee.

1. The referee shall be an employee of the department. The referee shall hear all appeals.

2. The appeals referee shall notify the applicant or *[client verbally, when possible, and]* **individual** in writing of the date, time, and location of the hearing before the referee. Effective notice of the hearing shall be given at least thirty (30) days prior to the date of the hearing and shall contain a statement of the issues to be determined at the hearing. If any party has good cause for postponement or rescheduling, the request shall be granted. Absent good cause, the hearing shall be held no later than sixty (60) days from the date of the claimant's request for a hearing. The hearing shall be held at a location convenient for the *[client]* **individual**/applicant, usually the facility identified in the appeal.

3. The applicant/*[client]* **individual** shall have the right to representation either by an attorney or another advocate. Upon written notice that an individual is represented by an attorney/advocate, the attorney/advocate shall be provided with copies of notices, and the like. Upon request of the *[client]* **individual**/applicant or his/her attorney/advocate, copies of all documents relevant to the appeal shall be made available without charge within five (5) working days of the date of the request. An individual or his/her attorney/advocate shall have the right to inspect and copy all relevant Missouri DMH documents, including, but not necessarily limited to, department rules and applicant/*[client]* **individual** records if release is authorized in writing by the applicant/*[client]* **individual**, including third-party *[client]* **individual** records in the custody of the department that were utilized in making the decision on eligibility.

4. The appeals referee shall rest his/her decision solely on the evidence presented at the hearing. The referee shall not review any documents concerning the applicant's/*[client's]* **individual's** eligibility that are not properly submitted on the record during the hearing. The appeals referee, in addition, shall not discuss the applicant's/*[client's]* **individual** appeal with any party other than in the context of the hearing, questioning witnesses on the record, or both. The referee shall assure that the claimant receives a full and fair hearing. After the conclusion of the hearing, the referee shall issue a written decision, including findings of fact and conclusions of law, within thirty (30) days of the close of the hearing. The decision shall be mailed to the facility and to the claimant and his/her attorney/advocate, if any, by registered or certified mail, return receipt requested. Upon request of the claimant, facility staff may be consulted by the claimant for an explanation of the decision and its implications. The decision also shall contain a brief description of further appeal rights provided by this rule. Within thirty (30) days of the decision, the referee shall have the authority to vacate or amend his/her decision at the request of the claimant or his/her attorney/advocate or the head of the facility with notice to the others for good cause shown. *[Any additional evidence shall be considered in the request.]*

5. The head of the facility shall have the burden of proof and burden of going forward to either establish that either the applicant does not meet the state's statutory criteria for services eligibility or that the *[client]* **individual** has so improved that s/he no longer would benefit from the level of services which had been previously provided.

6. During the hearing, the applicant/*[client]* **individual** or the head of the facility shall have the right to speak on behalf of self, to present witnesses, to be represented by an attorney or other advocate, to submit any additional information and to cross-examine witnesses who have appeared on behalf of the facility.

A. If the applicant or *[client]* **individual** is represented by legal counsel, the claimant or his/her counsel shall notify the head of

the facility within ten (10) days from the date that counsel is retained for the hearing.

B. If the applicant or *[client]* **individual** is represented by legal counsel at the hearing, the head of the facility shall request representation from the attorney general's office. The request for representation should be made to the attorney general's office as soon as practicable. Notice to the applicant/*[client]* **individual** and attorney that the attorney general's office will appear in the case should be made at least five (5) days before the hearing.

7. Unless otherwise provided in this rule, the hearing shall be conducted by the provisions of Chapter 536, RSMo.

8. The referee shall electronically record the hearing. The *[tape]* **recording** of the hearing shall be kept for one (1) year after the date of the hearing. The *[tape, or a copy of the tape,]* **recording** shall be available to the *[client]* **individual**/applicant or his/her attorney/advocate or the regional *[center]* **office** director for purposes of review for further appeal *[to the director of the DMH]*.

*(D) [If an applicant or client disagrees with the decision of the referee, the applicant/client, his/her attorney or advocate may move to vacate or amend the decision or appeal the decision to the director of the department within thirty (30) days from the receipt of the decision by mailing an intent to appeal to the director or by giving written notice to the facility. If the claimant gives verbal notice to the facility and needs assistance with an appeal, designated facility staff shall assist.]*

1. *The evidence which was before the referee and the recording of the hearing shall be submitted to the department director. The applicant/client or his/her attorney/advocate and the head of the facility may submit newly discovered evidence to the department director and comments on and objections to the decision of the referee within ten (10) working days of the notice of appeal to the director.*

2. *The department director shall consider the evidence in paragraph (3)(D) 1. and make the decision based solely on this evidence.*

3. *The department director, within twenty (20) working days of the notice of appeal, shall notify, in writing, the applicant/client and his/her attorney/advocate, if any, and the head of the facility, of the decision. The decision of the director is final. The decision shall be mailed to the head of the facility and to the claimant and his/her attorney/advocate, if any, by registered or certified mail, return receipt requested. Upon the request of the claimant, facility staff may be consulted by the claimant for an explanation of the decision and the mechanism for further appeal. The decision also shall contain a brief written description of further appeal rights provided by this rule.] Either party may appeal the decision of the appeals referee to circuit court as provided by Chapter 536, RSMo. For purposes of appeal, the recording of the hearing before the appeals referee shall be transcribed at the expense of the party appealing but shall be without cost to the applicant/individual who is indigent as determined by the department or the circuit court.*

*(E) Pending an administrative appeal or appeal before circuit court if the [director's] appeals referee's decision is appealed, the department shall not reduce or terminate the applicant's or [client's] individual's services or benefits. No applicant's or [client's] individual's benefits or services shall be reduced or terminated until appeal procedures are exhausted.*

*(4) If [a client] an individual disagrees with the decision made by facility staff regarding eligibility for a specified service through the division, except referral for community placement from a department [mental retardation] developmental disability facility, the [client] individual may appeal the decision.*

*(A) The appeal may be presented orally or in writing to the appropriate supervisor within thirty (30) days from receipt of the oral or*

written notice, whichever is earlier.

1. If necessary, the appropriate staff shall assist the *[client]* individual in making the appeal.

2. The *[client]* individual may present, and the supervisor shall accept and consider, any information relevant to the appeal. The supervisor may meet with the *[client]* individual and any staff to discuss and resolve differences.

3. Within ten (10) working days after receiving the information presented by the *[client]* individual, the supervisor shall notify the *[client]* individual in writing and verbally of the supervisor's finding and decision and the right of the *[client]* individual to appeal to the head of the facility.

(B) If the *[client]* individual disagrees with the decision of the supervisor, the *[client]* individual shall be entitled to utilize the same appeal procedures to the head of the facility, the appeals referee and the *[department director]* circuit court as provided in section (3) of this rule.

*[(5) A client/applicant or his/her attorney/advocate may appeal the decision of the department director to circuit court as provided by Chapter 536, RSMo. For purposes of appeal, the tape of the hearing before the appeals referee shall be transcribed at the expense of the applicant/client but shall be without cost to the applicant/client who is indigent as determined by the department or the circuit court.]*

**AUTHORITY:** section 630.050, RSMo [1994] Supp. 2011. This rule was previously filed as 9 CSR 50-3.705. Original rule filed April 17, 1987, effective Oct. 1, 1987. Amended: Filed Jan. 15, 1993, effective Aug. 8, 1993. Amended: Filed May 25, 1995, effective Dec. 30, 1995. Amended: Filed Feb. 1, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Melissa Manda, Deputy General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.060 Construction Permits Required.** The commission proposes to amend subsections (1)(A), (8)(A), (9)(A), (9)(D), (11)(A), (11)(B), (11)(D), (12)(F), and (12)(H). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at

the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

**PURPOSE:** This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. This amendment will defer for a period of three (3) years the application of the Prevention of Significant Deterioration (PSD) and Title V permitting requirements to carbon dioxide emissions from bioenergy and other biogenic stationary sources. The amendment will also finalize rule language on New Source Review provisions related to fine particulate matter (PM<sub>2.5</sub>) that represent the final elements to implement a PM<sub>2.5</sub> PSD program. This action will establish maximum allowable increases in ambient pollutant concentrations or increments, and two (2) screening tools known as the Significant Impacts Levels (SILs) and a Significant Monitoring Concentration (SMC) for PM<sub>2.5</sub>. And finally, this action will reference new test methods for the measurement of filterable PM<sub>10</sub> and PM<sub>2.5</sub> and the measurement of condensable PM emissions from stationary sources. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are Federal Register Notices from May 16, 2008, October 20, 2010, December 21, 2010, and July 20, 2011.

(1) Applicability.

(A) Definitions. Definitions of certain terms used in this rule may be found in paragraph (b) of 40 CFR 52.21 which is incorporated by reference in subsection (8)(A) of this rule, except that—

1. Any provisions of 40 CFR 52.21(b) that are stayed shall not apply;

2. Solely for the purposes of paragraph (1)(A)2. and section (7) of this rule, the following definitions shall be used in place of the definitions of the same terms specified elsewhere in this subsection:

A. Major stationary source is defined in 40 CFR 51.165(a)(1)(iv), *[promulgated as of July 1, 2007, including the revision published at 72 FR 24077 (effective July 2, 2007)] published July 1, 2011*, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions. The term major, as used in this definition, shall be major for the nonattainment pollutant;

B. Major modification is defined in 40 CFR 51.165(a)(1)(v), *[promulgated as of July 1, 2007] published July 1, 2011*, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, except that any incorporated provisions that are stayed shall not apply. This rule does not incorporate any subsequent amendments or additions. The term major, as used in this definition, shall be major for the nonattainment pollutant;

C. Net emissions increase is defined in 40 CFR 51.165(a)(1)(vi), *[promulgated as of July 1, 2007] published July 1, 2011*, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, except that the term paragraph (a)(1)(xii)(B) shall be 40 CFR 52.21(b)(21)(ii). This rule does not incorporate any subsequent amendments or additions; and

D. Significant is defined in 40 CFR 51.165(a)(1)(x), *[promulgated as of July 1, 2007] published July 1, 2011*, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does

not incorporate any subsequent amendments or additions;

3. Solely for the purposes of section (9) of this rule, the following definitions shall be used in addition to definitions specified elsewhere in this subsection:

A. Construct a major source—

(I) Fabricate, erect, or install, at any greenfield site, a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs; or

(II) Fabricate, erect, or install, at any developed site, a new process or production unit which in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs;

B. Greenfield site—A contiguous area under common control that is an undeveloped site;

C. Process or production—Any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit;

D. Reconstruct a major source—Replace components at an existing process or production unit where the replacement of components in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs, whenever—

(I) The fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost that would be required to construct a comparable process or production unit; and

(II) It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this section;

E. Research and development activities—Activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically-trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a *de minimis* manner;

F. Similar source—A stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology; and

G. Definitions for certain terms, other than those defined in subparagraphs (1)(A)3.A. through F. of this rule, may be found in 40 CFR 63.41 [*promulgated as of January 1, 2007*] published **July 1, 2011**, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

4. Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the Act. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated under this rule as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone;

5. The provisions of subsection (8)(B) of this rule regarding the term administrator shall apply; and

6. Definitions for certain terms used in this rule, other than those defined elsewhere in this subsection, may be found in 10 CSR 10-6.020.

(8) Attainment and Unclassified Area Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, [*promulgated as of July 1, 2009, including the revision published at 75 FR 31606-07 (effective August 2, 2010),*] published **July 1, 2011**, and **Federal Register Notice 76 FR 43507 promulgated July 20, 2011**, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(9) Hazardous Air Pollutant Permits. The requirements of this section apply to any owner or operator of a major source identified in subsection (9)(B) of this rule, unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) of the Clean Air Act and incorporated in another subpart of part 63 of the *Code of Federal Regulations* (CFR), or the owner or operator of such a major source has received all necessary air quality permits for construction or reconstruction before the effective date of this section.

(A) Applicability. No person may construct or reconstruct a major source unless they submit an application and receive approval from the permitting authority according to the procedures of paragraphs (9)(C)2. and (9)(C)3. of this rule; or unless all of the following are satisfied:

1. All HAPs emitted by the process or production unit that would otherwise be controlled under the requirements of this section will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

2. The permitting authority—

A. Has determined within a period of five (5) years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR [*part*] 51 or 52, toxic-best available control technology (T-BACT), or maximum achievable control technology (MACT) based on state air toxic rules for the category of pollutants which includes those HAPs to be emitted by the process or production unit; or

B. Determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or state air toxic rule MACT determination);

3. The permitting authority determines that the percent control efficiency for emissions of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

4. The permitting authority has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (9)(A)1., 2., and 3. of this rule apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or state air toxic rule MACT determination;

5. If any commenter has asserted that a prior LAER, BACT, T-BACT, or state air toxic rule MACT determination is no longer adequate, the permitting authority has determined that the level of control required by that prior determination remains adequate;

6. The requirements of section (6) of this rule are met; and

7. Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under section 504(a) of the Clean Air Act and either have been incorporated into any existing [*P*]part 70 permit for the affected facility or will be incorporated into such permit upon issuance.

(D) Requirements for constructed or reconstructed major sources subject to a subsequently promulgated standard or MACT requirement.

1. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under this section before the date that the owner or operator has obtained a final and legally-effective MACT determination under any of the review options available in this rule, the owner or operator of the source(s) shall comply with the promulgated standard or determination rather than any MACT determination under this section by the state, and the owner or operator shall comply with the promulgated standard by the compliance date in the promulgated standard.

2. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under this section and has been subject to a prior case-by-case MACT determination pursuant to this section, and the owner or operator obtained a final and legally-effective case-by-case MACT determination prior to the promulgated date of such emission standard, then the state shall (if the initial part 70 permit has not yet been issued) issue an initial operating permit which incorporates the emission standard or determination, or shall (if the initial part 70 permit has been issued) revise the operating permit according to the reopening procedures in 40 CFR [part] 70 or [part] 71, whichever is relevant, to incorporate the emission standard or determination.

A. The EPA may include in the emission standard established under section 112(d) or section 112(h) of the Clean Air Act a specific compliance date for those sources which have obtained a final and legally-effective MACT determination under this section and which have submitted the information required by this section to the EPA before the close of the public comment period for the standard established under section 112(d) of the Clean Air Act. Such date shall assure that the owner or operator shall comply with the promulgated standard as expeditiously as practicable, but no longer than eight (8) years after such standard is promulgated. In that event, the state shall incorporate the applicable compliance date in the part 70 operating permit.

B. If no compliance date has been established in the promulgated section 112(d) or 112(h) standard or section 112(j) determination, for those sources which have obtained a final and legally-effective MACT determination under this section, then the permitting authority shall establish a compliance date in the permit that assures that the owner or operator shall comply with the promulgated standard or determination as expeditiously as practicable, but not longer than eight (8) years after such standard is promulgated or a section 112(j) determination is made.

3. Notwithstanding the requirements of paragraphs (9)(D)1. and 2. of this rule, if an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which was deemed to be a constructed or reconstructed major source under this section and which is the subject of a prior case-by-case MACT determination pursuant to this section, and the level of control required by the emission standard issued under section 112(d) or section 112(h) or the determination issued under section 112(j) is less stringent than the level of control required by any emission limitation or standard in the prior MACT determination, the state is not required to incorporate any less stringent terms of the promulgated standard in the part 70 operating permit applicable to such source(s) and may in its discretion consider any more stringent provisions of the prior MACT determination to be applicable legal requirements when issuing or revising such operating permit.

(11) Tables.

(A) Table 1—Ambient Air Increment Table.

Pollutant	Maximum Allowable Increase
Class I Areas	
<b>Particulate Matter 2.5 Micron:</b>	
Annual arithmetic mean	1
24-hour maximum	2
<b>Particulate Matter 10 Micron:</b>	
Annual arithmetic mean	4
24-hour maximum	8
<b>Sulfur Dioxide:</b>	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
<b>Nitrogen Dioxide:</b>	
Annual arithmetic mean	2.5
Class II Areas	
<b>Particulate Matter 2.5 Micron:</b>	
Annual arithmetic mean	4
24-hour maximum	9
<b>Particulate Matter 10 Micron:</b>	
Annual arithmetic mean	17
24-hour maximum	30
<b>Sulfur /d/Dioxide:</b>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
<b>Nitrogen Dioxide:</b>	
Annual arithmetic mean	25
Class III Areas	
<b>Particulate Matter 2.5 Micron:</b>	
Annual arithmetic mean	8
24-hour maximum	18
<b>Particulate Matter 10 Micron:</b>	
Annual arithmetic mean	34
24-hour maximum	60
<b>Sulfur /d/Dioxide:</b>	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
<b>Nitrogen Dioxide:</b>	
Annual arithmetic mean	50

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri—one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

(B) Table 2—Significant Monitoring Concentrations.

Pollutant	Air Quality Impact
Carbon monoxide	575, 8-hour average
Nitrogen dioxide	14, annual
<b>Particulate matter—</b>	
<b>2.5 micron (PM<sub>2.5</sub>)</b>	<b>4, 24-hour</b>
<b>Particulate matter—</b>	
<b>10 micron (PM<sub>10</sub>)</b>	<b>10, 24-hour</b>
Sulfur dioxide	13, 24-hour
Ozone	*
Lead	.1, 3-month

Pollutant	Air Quality Impact
Mercury	0.25, 24-hour
Beryllium	.001, 24-hour
Fluorides	0.25, 24-hour
Vinyl chloride	15, 24-hour
Total reduced sulfur	10, 1-hour
Hydrogen sulfide	0.2, 1-hour
Reduced sulfur compounds	10, 1-hour

*Note: All impacts in micrograms per cubic meter.*

*\*No significant monitoring concentration is provided for ozone. However, any potential net increase of 100 tons per year, or more, of volatile organic compounds or nitrogen oxides subject to section (8) of this rule would require an ambient impact analysis, including the gathering of ambient air quality data.*

(D) Table 4—Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Averaging Time (Hours)				
	Annual	24	8	3	1
SO <sub>2</sub>	1.0	5		25	
PM <sub>10</sub>	1.0	5			
PM <sub>2.5</sub>	0.3	1.2			
NO <sub>2</sub>	1.0				
CO			.5		2

*Note: All impacts in micrograms per cubic meter, except for CO in milligrams per cubic meter.*

(12) Appendices.

(F) Appendix F, Air Quality Models.

1. All estimates and analyses of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in the Environmental Protection Agency's (EPA) *Guideline on Air Quality Models* (40 CFR [Part] 51, Appendix W) including supplements at the time of application.

2. Any model(s) designated in paragraph (12)(F)1. of this rule may be adjusted upon a determination by the administrator and the permitting authority, after notice and opportunity for public hearing, that the adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from the source. Methods like those outlined in the *Protocol for Determining the Best Performing Model* (United States EPA publication No. EPA-454/R-92-025, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, 1992) and *Standard Guide for Statistical Evaluation of Atmospheric Dispersion Model Performance* (NTIS No. PB 93-226082) should be used to determine the comparability of air quality models.

3. Where the *Guideline on Air Quality Models* (40 CFR [Part] 51, Appendix W) including supplements at the time of application does not address a situation requiring modeling, the administrator and the permitting authority, after notice and opportunity for public hearing, may approve the use of a model which they deem accurate for modeling that situation.

(H) Appendix H, Impacts on Class I Areas.

1. At any time prior to the close of the public comment period specified in subsection (12)(B) of this rule, the FLM for any federal Class I area may provide information to the permitting authority demonstrating that the emissions from the proposed installation or major modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I area, notwithstanding that the change in air quality, resulting from emissions from the installation or major modification, would not cause or contribute to concentrations which would exceed the maximum allowable increase for a Class I area, as specified in subsection

(11)(A), Table 1, of this rule. If the permitting authority concurs in the demonstration by the FLM, the permit shall be denied.

2. Class I variances. The owner or operator of a proposed installation or major modification may demonstrate to the FLM that the emissions from the source would have no adverse impact on the air quality-related values of any federal mandatory Class I area (including visibility), notwithstanding that the change in air quality resulting from emissions from the source would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the FLM concurs with a demonstration and so certifies to the permitting authority, the permitting authority, providing that all other applicable requirements of this rule are met, may issue the permit with those emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen dioxide would not exceed the following maximum allowable increases over baseline concentration for these pollutants:

Pollutant	Maximum Allowable Increase
<b>Particulate Matter 2.5 Micron:</b>	
Annual arithmetic mean	4
24-hour maximum	9
<b>Particulate Matter 10 Micron:</b>	
Annual arithmetic mean	17
24-hour maximum	30
<b>Sulfur Dioxide:</b>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
<b>Nitrogen Dioxide:</b>	
Annual arithmetic mean	25

*Note: Increases are in micrograms per cubic meter.*

3. Sulfur dioxide variance by governor with FLM's concurrence.

A. If the owner or operator of a proposed installation or major modification who has been denied an FLM's certification pursuant to paragraph (12)(H)1. of this rule demonstrates to the governor that the installation or major modification cannot be constructed as a result of any maximum allowable increase for sulfur dioxide for periods of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this part would not adversely affect the air quality-related values of the area (including visibility), then the governor, after consideration of the FLM's recommendation (if any) and subject to his/her concurrence, may grant, after notice and an opportunity for a public hearing, a variance from these maximum allowable increases.

B. If a variance is granted, the permitting authority may issue a permit to an installation or major modification in accordance with the requirements of paragraph (12)(H)5. of this rule, provided that all other applicable requirements of this rule are met.

4. Variance by the governor with the president's concurrence.

A. The recommendations of the governor and the FLM shall be transferred to the president in any case where the governor recommends a variance in which the FLM does not concur.

B. If this variance is approved by the president pursuant to 42 U.S.C. [A.] section 7475(d)(2)(D)(ii), the permitting authority may issue a permit in accordance with the requirements of paragraph (12)(H)5. of this rule provided that all other applicable requirements of this rule are met.

5. Emission limitations for presidential or gubernatorial variance.

A. In the case of a permit issued pursuant to paragraph (12)(H)3. or 4. of this rule, the permitting authority shall impose, as conditions of the permit, emission limitations as may be necessary to

assure that emissions of sulfur dioxide from the installation or major modification (during any day on which the otherwise applicable maximum allowable increases are exceeded) will not cause or contribute to concentrations which will exceed the following maximum allowable increases over the baseline concentration:

Period of Exposure	Maximum Allowable Increase (micrograms per cubic meter)	
	Terrain Areas Low	High
24-hour maximum	36	62
3-hour	130	221

B. These emission limitations also shall assure that the emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period.

6. The permitting authority shall transmit to the administrator a copy of each permit application under this subsection (12)(H) of this rule and provide notice to the administrator of every action related to the consideration of a permit.

**AUTHORITY:** section 643.050, RSMo [2000] Supp. 2011. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 31, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 26, 2012. The public hearing will be held at the University Plaza, 333 John Q. Hammons Parkway, Iowa Meeting Room, Springfield, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., May 3, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprule-spn@dnr.mo.gov](mailto:apcprule-spn@dnr.mo.gov).

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.065 Operating Permits.** The commission proposes to amend subsection (2)(A), section (3), and subsection (6)(C). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at

the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

**PURPOSE:** This rule defines air contaminant sources which are required to obtain operating permits and establishes procedures for obtaining and complying with operating permits; it does not establish any air quality standards or guidelines. This amendment will defer for a period of three (3) years the application of the Prevention of Significant Deterioration (PSD) and Title V permitting requirements to carbon dioxide emissions from bioenergy and other biogenic stationary sources. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a July 20, 2011, Federal Register Notice.

**(2) Definitions.**

(A) Part 70 installations—Installations to which the part 70 operating permit requirements of this rule apply, in accordance with the following criteria:

1. They emit or have the potential to emit, in the aggregate, ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, or twenty-five (25) tpy or more of any combination of these hazardous air pollutants or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not these units are in a contiguous area or under common control, to determine whether these units or stations are subject installations. For sources of radionuclides, the criteria shall be established by the administrator;

2. They emit or have the potential to emit one hundred (100) tpy or more of any air pollutant subject to regulation, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2. Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally-applicable regulation codified by the administrator in 40 CFR [Parts] 50–99, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity, except that—

A. Greenhouse gases (GHGs), the air pollutant defined as the aggregate group of six (6) greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit one hundred thousand (100,000) tpy carbon dioxide (CO<sub>2</sub>) equivalent emissions; and

B. The term tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e) shall represent an amount of GHGs emitted and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six (6) greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 [to subpart A] of 40 CFR [Part] 98, Subpart A, promulgated as of October 30, 2009, and summing the resultant value for each to compute a tpy CO<sub>2</sub>e. For purposes of this rule, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animal, or micro-organisms (including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material). Table A-1 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700

Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

3. They are located in nonattainment areas or ozone transport regions.

A. For ozone nonattainment areas, sources with the potential to emit one hundred (100) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as “marginal” or “moderate,” fifty (50) tpy or more in areas classified as “serious,” twenty-five (25) tpy or more in areas classified as “severe,” and ten (10) tpy or more in areas classified as “extreme”; except that the references in this paragraph to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

B. For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit fifty (50) tpy or more of volatile organic compounds;

C. For carbon monoxide nonattainment areas that are classified as “serious,” and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit fifty (50) tpy or more of carbon monoxide; and

D. For particulate matter less than ten (10) micrometers (PM<sub>10</sub>) nonattainment areas classified as “serious,” sources with the potential to emit seventy (70) tpy or more of PM<sub>10</sub>;

4. They are affected sources under Title IV of the 1990 Act;

5. They are solid waste incinerators subject to section 129(e) of the Act;

6. Any installation in a source category designated by the administrator as a part 70 source pursuant to 40 CFR 70.3; and

7. Installations that would be part 70 sources strictly due to the following criteria are not subject to part 70 source requirements until the administrator subjects this installation to these requirements by rule:

A. They are subject to a standard, limitation, or other requirement under section 111 of the Act, including area sources; or

B. They are subject to a standard or other requirement under section 112 of the Act, except that a source, including an area source, is not required to obtain a permit solely because it is subject to rules or requirements under section 112(r) of the Act.

(3) Single, Multiple, or General Permits.

(A) Pursuant to this section, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection through any one (1) of the following methods:

1. The installation may apply for a single permit covering all emissions units located within a contiguous area under common control (whether or not the installation falls under the same two (2)-digit Standard Industrial Code (SIC));

2. The installation may apply for separate permits for separate emissions units or groups of emissions units; or

3. The installation may apply for coverage for one (1) or more emissions units eligible for permitting under a general permit issued by the permitting authority, and obtain a separate permit(s) for emissions units not eligible for general permit coverage.

4. When determining operating permit classification (part 70, intermediate or basic state), the installation shall calculate the potential to emit for the entire installation and all multiple permits shall be subject to the same operating permit classification.

(5)/(B) Notwithstanding, if the installation is a basic installation and is subject to 40 CFR [part] 63, [s/Subpart] EEE, National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors, the installation has the option of obtaining a part 70 permit for the entire installation or a part 70 permit for the emission unit subject to the maximum achievable control technology (MACT) and a basic for the rest of the installation. However, the part

70 permit for the affected emission unit must incorporate all applicable requirements that apply to hazardous waste combustion devices, not just those in 40 CFR [part] 63, [s/Subpart] EEE.

(6) Part 70 Operating Permits.

(C) Permit Content.

1. Standard permit requirements. Every operating permit issued pursuant to this section (6) shall contain all requirements applicable to the installation at the time of issuance.

A. Emissions limitations and standards. The permit shall specify emissions limitations or standards applicable to the installation[,] and shall include those operational requirements or limitations as necessary to assure compliance with all applicable requirements.

(I) The permit shall specify and reference the origin of and authority for each term or condition and shall identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(II) The permit shall state that, where an applicable requirement is more stringent than an applicable requirement of rules promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the administrator.

(III) If the implementation plan or other applicable requirement allows an installation to comply through an alternative emissions limit or means of compliance and the applicant requests that this alternative limit or means of compliance be specified in the permit, the permitting authority may include this alternative emissions limit or means of compliance in an installation's permit upon demonstrating that it is quantifiable, accountable, enforceable, and based on replicable procedures.

B. Permit duration. The permitting authority shall issue permits for five (5) years. The permit term shall commence on the date of issuance or, when applicable, the date of validation.

C. Monitoring and related record-keeping and reporting requirements.

(I) The permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated by the administrator pursuant to sections 114(a)(3) or 504(b) of the Act;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), then periodic monitoring sufficient to yield reliable data for the relevant time period that are representative of the installation's compliance with the permit, as reported pursuant to part (6)(C)1.C.(III) of this rule. These monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record-keeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and where appropriate, installation of monitoring equipment or methods.

(II) With respect to record keeping, the permit shall incorporate all applicable record-keeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

I. The date, place as defined in the permit, and time of sampling or measurements;

II. The date(s) analyses were performed;

III. The company or entity that performed the analyses;

IV. The analytical techniques or methods used;

V. The results of these analyses; and

VI. The operating conditions as existing at the time of

sampling or measurement;

(b) Retention of records.

I. Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings when used for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

II. Affected sources under Title IV of the Act will have a three (3)-year monitoring data record retention period as required in 40 CFR [part] 75.

(III) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) A permit issued under these rules shall require the permittee to submit a report of any required monitoring every six (6) months. To the extent possible, the schedule for submission of these reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification;

(b) Each report submitted under subpart (6)(C)1.C.(III)(a) of this rule shall identify any deviations from permit requirement, since the previous report, that have been monitored by the monitoring systems required under the permit, and any deviations from the monitoring, record-keeping, and reporting requirements of the permit;

(c) In addition to semiannual monitoring reports, each permittee shall be required to submit supplemental reports as indicated here. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.

I. Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7. of this rule shall be submitted to the permitting authority either verbally or in writing within two (2) working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted facility must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

II. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as practicable.

III. Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in the permit;

(d) Every report submitted shall be certified by a responsible official, except that, if a report of a deviation must be submitted within ten (10) days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten (10) days after that, together with any corrected or supplemental information required concerning the deviation; and

(e) A permittee may request confidential treatment of information submitted in any report of deviation.

D. Risk management plans. If the installation is required to develop and register a risk management plan pursuant to section 112(r) of the Act, the permit is required to specify only that the permittee will verify that they have complied with the requirement to register such a plan. The contents of the risk management plan itself need not be incorporated as a permit term.

E. Emissions exceeding Title IV allowances. Where applicable, the permit shall prohibit emissions exceeding any allowances that the installation lawfully holds under Title IV of the Act or rules promulgated thereunder.

(I) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

(II) No limit shall be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

(III) Any of these allowances shall be accounted for according to procedures established in rules promulgated under Title IV of the Act.

F. Severability clause. The permit shall include a severability clause to ensure the continued validity of uncontested permit conditions in the event of a successful challenge to any contested portion of the permit.

G. General requirements.

(I) The permittee must comply with all the terms and conditions of the permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, for permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application. Note: The grounds for termination of a permit under part (6)(C)1.G.(I) are the same as the grounds for revocation as stated in part (6)(E)8.A.(I).

(II) It shall not be a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(III) The permit may be modified, revoked, reopened, reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(IV) The permit does not convey any property rights of any sort, or grant any exclusive privilege.

(V) The permittee shall furnish to the permitting authority, upon receipt of a written request and within a reasonable time, any information that the permitting authority reasonably may require to determine whether cause exists for modifying, reopening, reissuing, or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the permitting authority copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted under this paragraph (6)(C)1.

H. Incentive programs not requiring permit revisions. The permit shall include a provision stating that no permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in the permit.

I. Reasonably anticipated operating scenarios. The permit shall include terms and conditions for reasonably anticipated operating scenarios identified by the applicant and approved by the permitting authority. The permit shall authorize the permittee to make changes among alternative operating scenarios authorized in the permit without notice, but shall require the permittee, contemporaneous with changing from one (1) operating scenario to another, to record in a log at the permitted installation the scenario under which it is operating. The permit shield shall apply to these terms and conditions.

J. Emissions trading. The permit shall include terms and conditions for the trading of emissions increases and decreases within the permitted installation to the extent that the applicable requirements provide for the trading of increases and decreases without case-by-case approval of each emissions trade. These terms and conditions shall

include all those required to determine compliance (to include contemporaneous recording in a log of the details of the trade) and must meet all applicable requirements, and requirements of this rule. The permit shield shall apply to all terms and conditions that allow the trading of these increases and decreases in emissions.

2. Federally-enforceable conditions and state-only requirements.

A. Federally-enforceable conditions. Except as provided in subparagraph (6)(C)2.B. of this rule, all terms and conditions in a permit issued under this section, including any voluntary provisions designed to limit an installation's potential to emit, are enforceable by the permitting authority, by the administrator, and by citizens under section 304 of the Act.

B. State-only requirements. Notwithstanding subparagraph (6)(C)2.A. of this rule, the permitting authority shall expressly designate as not being federally-enforceable or enforceable under section 304 of the Act any terms and conditions included in the permit that are not required under the Act or any of its applicable requirements, and these terms and conditions shall not be enforceable by the administrator or by citizens under section 304 of the Act. Terms and conditions so designated shall not be subject to the requirements of 40 CFR sections 70.7 and 70.8. Terms and conditions expressly designated as state-only requirements under this paragraph may be included in an addendum to the installation's permit.

3. Compliance requirements. Permits issued under this section (6) shall contain the elements listed here with respect to compliance.

A. General requirements, including certification. Consistent with the monitoring and related record-keeping and reporting requirements of this paragraph, the operating permit must include compliance certification, testing, monitoring, reporting, and record-keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required to be submitted under this rule shall contain a certification signed by a responsible official as to the results of the required monitoring.

B. Inspection and entry. The permit must include requirements providing that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the permitting authority to perform the following (subject to the permittee's right to seek confidential treatment of information submitted to, or obtained by, the permitting authority under this subsection):

(I) Enter upon the permittee's premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(II) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(III) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(IV) As authorized by the Missouri Air Conservation Law Chapter 643, RSMo, or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

C. Schedule of compliance. The permit must include a schedule of compliance, to the extent required.

D. Progress reports. To the extent required under an applicable schedule of compliance, the permit must require progress reports to be submitted semiannually, or more frequently if specified in the applicable requirement or by the permitting authority. These progress reports shall contain the following:

(I) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when these activities, milestones, or compliance were achieved; and

(II) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

E. Compliance certification. The permit must include requirements for certification of compliance with terms and conditions contained in the permit that are federally enforceable, including emissions limitations, standards, or work practices. The permit shall specify—

(I) The frequency (which shall be annually unless the applicable requirement specifies submission more frequently) of compliance certifications;

(II) The means for monitoring compliance with emissions limitations, standards, and work practices contained in applicable requirements;

(III) A requirement that the compliance certification include the following:

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The permittee's current compliance status, as shown by monitoring data and other information reasonably available to the permittee;

(c) Whether compliance was continuous or intermittent;

(d) The method(s) used for determining the compliance status of the installation, currently and over the reporting period; and

(e) Such other facts as the permitting authority may require to determine the compliance status of the source;

(IV) A requirement that all compliance certifications be submitted to the administrator as well as to the permitting authority;

(V) Additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act; and

(VI) Any other provisions as the permitting authority may require.

4. General permits. Installations may apply to operate under any general permit.

A. Issuance of general permits. General permits covering similar part 70 installations may be issued by the permitting authority after notice and opportunity for public participation under subsection (6)(F) and section (7). The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria must include the following:

(I) Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

(II) Sources may not be subject to case-by-case standards or requirements; and

(III) Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

B. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual part 70 permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements. General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in rule promulgated under Title IV of the Act.

C. Public participation. Although public participation under section (7) of this rule is necessary for the issuance of a general permit, the permitting authority may authorize an installation to operate under general permit terms and conditions without repeating the public participation procedures. However, this authorization shall not be a final permit action of purposes for judicial review.

D. Enforcement. Notwithstanding the permit shield provisions

of paragraph (6)(C)6. of this rule, an installation authorized to operate under a general permit is subject to enforcement for operating without an individual part 70 operating permit if the installation is determined not to be qualified for the general permit.

5. Portable installations. An installation may apply for a single permit authorizing emissions from similar operations by the same installation owner or operator at multiple temporary locations.

A. Qualification criteria. To qualify for a permit under this paragraph (6)(C)5. the applicant's operation must be temporary and involve at least one (1) change of location during the permit term. Affected sources shall not be authorized as temporary installations under the acid rain program unless otherwise provided in rules promulgated under Title IV of the Act.

B. Compliance at each location. The permittee must comply with all applicable requirements at each authorized location.

C. Notice of location change. The owner or operator of the installation must notify the permitting authority at least ten (10) days in advance of each change of location.

6. Permit shield.

A. Express permit statement required. Part 70 operating permits shall include express provisions stating that compliance with the conditions of the permit shall be deemed compliance with all applicable requirements as of the date of permit issuance, provided that—

(I) The applicable requirements are included and specifically identified in the permit; or

(II) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation and the permit expressly includes that determination or a concise summary of it.

B. Exceptions to permit protection. The permit shield does not affect the following:

(I) The provisions of section 303 of the Act or section 643.090, RSMo, concerning emergency orders;

(II) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance;

(III) The applicable requirements of the acid rain program;

(IV) The administrator's authority to obtain information;

or

(V) Any other permit or extra-permit provisions, terms, or conditions expressly excluded from the permit shield provisions of this rule.

7. Emergency provisions.

A. Definition. For the purposes of a part 70 operating permit, an emergency or upset means any condition arising from sudden and not reasonably foreseeable events beyond the control of the permittee, including acts of God, which require immediate corrective action to restore normal operation and that causes the installation to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency or upset. An emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

B. Affirmative defense requirements. The permitting authority shall include in each permit a provision stating that an emergency or upset constitutes an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:

(I) An emergency or upset occurred and the permittee can identify the source of the emergency or upset;

(II) The installation was being operated properly;

(III) The permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or the requirements in the permit; and

(IV) The permittee submitted notice of the emergency to

the permitting authority within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

8. Operational flexibility (installation changes not requiring permit revisions). An installation that has been issued a part 70 operating permit under this rule is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described in subparagraph (6)(C)8.A. of this rule if the changes are not Title I modification and the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The installation shall notify the permitting authority and the administrator at least seven (7) days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally-enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally-enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

A. Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally-enforceable monitoring (including test methods), record-keeping, reporting, or compliance requirements of the permit.

(I) Before making a change under this provision, the permittee shall provide advance written notice to the permitting authority and to the administrator, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the permitting authority shall place a copy with the permit in the public file. Written notice shall be provided to the administrator and the permitting authority at least seven (7) days before the change is to be made. If less than seven (7) days' notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the administrator and the permitting authority as soon as possible after learning of the need to make the change.

(II) The permit shield shall not apply to these changes.

B. SIP-based emissions trading changes. Changes associated with trading emissions increases and decreases within a permitted installation may be made without a permit revision if the SIP provides for these trades. The permit shall contain terms and conditions governing the trading of emissions.

(I) For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms or other applicable requirements with which the source will comply through emissions trading and any other information as may be required by the applicable requirement authorizing the emissions trade.

(II) The permit shield shall not apply to these changes. Compliance will be assessed according to the terms of the implementation plan authorizing the trade.

C. Emissions cap-based changes. Changes associated with the trading of emissions increases and decreases within a permitted installation may be made without a permit revision if this trading is solely for the purpose of complying with the federally-enforceable emissions cap that was established in the permit at the applicant's request, independent of otherwise applicable requirements. For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the emissions trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms or other applicable requirements with which the source will comply through emissions trading,

and any other information as may be required by the applicable requirement authorizing the emissions trade. The permit shield does apply to these changes.

9. Off-permit changes. Except as provided in subparagraph (6)(C)9.A. in this rule, a part 70 permitted installation may make any change in its permitted installation's operations, activities, or emissions that is not addressed in, constrained by, or prohibited by the permit without obtaining a permit revision. Insignificant activities listed in the permit, but not otherwise addressed in or prohibited by the permit, shall not be considered to be constrained by the permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:

A. Compliance with applicable requirements. The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; no permittee may change a permitted installation without a permit revision, even if the change is not addressed in or constrained by, the permit, if this change is subject to any requirements under Title IV of the Act or is a Title I modification;

B. Contemporaneous notice, except insignificant activities. The permittee must provide contemporaneous written notice of the change to the permitting authority and to the administrator. This notice shall not be required for changes that are insignificant activities under paragraph (6)(B)3. of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

C. Record of changes. The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and

D. Permit shield not applicable. The permit shield shall not apply to these changes.

*AUTHORITY: section 643.050, RSMo [2000] Supp. 2011. Original rule filed Sept. 2, 1993, effective May 9, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 31, 2012.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 26, 2012. The public hearing will be held at the University Plaza, 333 John Q. Hammons Parkway, Iowa Meeting Room, Springfield, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., May 3, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprule-spr@dnr.mo.gov](mailto:apcprule-spr@dnr.mo.gov).*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds.**

The commission proposes to delete subsections (1)(C) and (3)(B) and amend original subsections (1)(D), (1)(E), (3)(C), (3)(D), and (4)(A). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rule establishes the maximum allowable concentration of sulfur compounds in source emissions and in the ambient air. This amendment removes a reference to 10 CSR 10-6.010 which includes outdated sulfur dioxide (SO<sub>2</sub>) standards and removes the compliance dates of 1979 and 1982 that are no longer needed. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is an email dated May 17, 2011, from Boeing Company to Missouri Department of Natural Resources staff.*

**(1) Applicability.**

*[(C)] Subsection (3)(B) of this rule restricts sulfur dioxide (SO<sub>2</sub>) concentrations in the ambient air.]*

*[(D)](C) Subsection [(3)(C)] (3)(B) of this rule restricts sulfur dioxide emissions from indirect heating sources greater than three hundred fifty thousand British thermal units (350,000 Btus) per hour actual heat input.*

*[(E)](D) Subsection [(3)(D)] (3)(C) of this rule shall apply to sulfur compound emissions from existing lead smelting and/or refining sources or related activities.*

**(3) General Provisions.**

*[(B)] Restriction of Concentration of Sulfur Compounds in the Ambient Air. In addition to the limitations specified in subsections (3)(A), (3)(C), and (3)(D) of this rule, no person shall cause or permit the emission of sulfur compounds from any source which causes or contributes to concentrations exceeding those specified in 10 CSR 10-6.010 Ambient Air Quality Standards. Except as may be specified elsewhere in this rule, the methods for measuring ambient sulfur compound concentrations are specified in 10 CSR 10-6.040.]*

*[(C)](B) Restriction of Emission of Sulfur Dioxide from Indirect Heating Sources.*

1. Subsection [(3)(C)] (3)(B) of this rule applies to installations in which fuel is burned for the primary purpose of producing steam, hot water, or hot air or other indirect heating of liquids, gases, or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

2. Indirect heating sources located in Missouri, other than in Franklin, Jefferson, St. Louis, St. Charles Counties, or City of St. Louis.

A. No person shall cause or allow emissions of sulfur dioxide into the atmosphere from any indirect heating source in excess of eight pounds (8 lbs.) of sulfur dioxide per million Btus actual heat input averaged on any consecutive three (3)-hour time period unless that source is listed in Table I or subject to a provision of 10 CSR 10-6.070 New Source Performance Regulations with an applicable sulfur compound emission limit.

B. The following existing indirect heating sources listed in Table I shall limit their average sulfur emissions into the atmosphere to the allowable amount of sulfur dioxide per million Btus of actual heat input averaged on any consecutive three (3)-hour basis.

**Table I**

<b>Facility</b>	<b>Averaging Time</b>	<b>Emission Rate per Unit (Pounds Sulfur Dioxide Per Million Btus)</b>
Associated Electric Cooperative—New Madrid	3 hours	10.0
Associated Electric Cooperative—Thomas Hill	3 hours	8.0
Central Electric Power Cooperative—Chamois	3 hours	6.7
City Utilities—James River Plant*	24 hours	(Units 1–4) 1.5 (Unit 5) 2.0
Empire District Electric Company—Asbury Station	3 hours	12.0
Independence Power and Light—Blue Valley Station	3 hours	6.3
Trigen—Grand Ave. Plant	3 hours	7.1
Kansas City Power & Light—Hawthorn Plant**	30 day rolling	0.12
Kansas City Power & Light—Montrose Station	24 hours	3.9
Aquila—Sibley Plant	3 hours	9.0
Aquila—Lake Road Plant*	24 hours	(Boilers 1, 2, and 4) 0.0524 (Boiler 3) 0.0006 (Boiler 5) 1.3490 (Boiler 6)*** (Combustion Turbines 5, 6, and 7) 0.0511
University of Missouri—Columbia	3 hours	8.0

\* Facility is subject to State Enforceable Agreement.

\*\* Kansas City Power & Light—The SO<sub>2</sub> emission rate comes from the Prevention of Significant Deterioration permit for Unit 5A and is implemented in accordance with the terms of the permit.

\*\*\* Boiler 6 at the Lake Road Plant is limited to a 24-hour daily block average of 1,400 pounds of SO<sub>2</sub>/hour.

C. Compliance with paragraph *[(3)(C)2.] (3)(B)2.* of this rule shall be determined by source testing as specified in subsection (5)(B) of this rule.

D. Other methods approved by the staff director in advance may be used.

E. Owners or operators of sources and installations subject to paragraph *[(3)(C)2.] (3)(B)2.* of this rule shall furnish the director such data as s/he may reasonably require to determine whether compliance is being met.

3. Indirect heating sources located in Franklin, Jefferson, St. Louis, St. Charles Counties, or City of St. Louis.

A. Restrictions applicable to installations with a capacity of two thousand (2,000) million or more Btus per hour.

(I) No person shall cause or permit the emission of sulfur dioxide to the atmosphere from any installation with a capacity of two thousand (2,000) million or more Btus per hour in an amount greater than two and three-tenths pounds (2.3 lbs.) of sulfur dioxide per million Btus of actual heat input averaged on any consecutive three (3)-hour time period unless that source is listed in part *[(3)(C)3.A. (III)] (3)(B)3.A.(II)* of this rule or is subject to a provision of 10 CSR 10-6.070 New Source Performance Regulations with an applicable sulfur compound emission limit.

(II) The following existing installations shall limit their sulfur dioxide emissions into the atmosphere from the combustion of any fuels to the allowable amount of sulfur dioxide per million Btus of actual heat input listed:

Facility	Emission Rate per Unit* (Pounds Sulfur Dioxide Per Million Btus)
Ameren UE—Labadie Plant	4.8
Ameren UE— Portage des Sioux Plant	4.8

\*Daily average, 00:01 to 24:00

(III) Owners or operators of sources and installations subject to paragraph *[(3)(C)3.] (3)(B)3.* of this rule shall furnish the director such data as s/he may reasonably require to determine whether compliance is being met.

(IV) Each source subject to limitations under subparagraph *[(3)(C)3.A.] (3)(B)3.A.* of this rule may emit sulfur dioxide at a rate not to exceed the allowable emission rate by more than twenty percent (20%) for not more than three (3) days in any one (1) month.

(V) Compliance with part *[(3)(C)3.A. (III)] (3)(B)3.A.(II)* of this rule shall be demonstrated by sulfur dioxide and either carbon dioxide or oxygen continuous monitoring devices, which devices, within ninety (90) days of the date part *[(3)(C)3.A. (III)] (3)(B)3.A.(II)* of this rule becomes effective *[(July 12, 1979) as to any source or before January 1, 1982, in the case of Ameren UE Company's Labadie Plant]*, shall be certified by the owner or operator to be installed and operational in accordance with Performance Specifications 2 and 3, 40 CFR part 60, Appendix B. The devices shall also be operated and maintained in accordance with the procedures and standards set out at 40 CFR 60.13(d) and (e)(2).

(VI) Reports shall be as specified in section (4) of this rule.

B. Restrictions applicable to installations with a capacity of less than two thousand (2,000) million Btus per hour.

(I) During the months of October, November, December, January, February, and March of every year, no person shall burn or permit the burning of any coal containing more than two percent (2%) sulfur or of any fuel oil containing more than two percent (2%) sulfur in any installation having a capacity of less than two thousand (2,000) million Btus per hour. Otherwise, no person shall burn or permit the burning of any coal or fuel oil containing more than four

percent (4%) sulfur in any installation having a capacity of less than two thousand (2,000) million Btus per hour.

(II) Part *[(3)(C)3.B. (III)] (3)(B)3.B.(I)* of this rule shall not apply to any installation if it can be shown that emissions of sulfur dioxide from the installation into the atmosphere will not exceed two and three-tenths (2.3) pounds per million Btus of heat input to the installation.

(III) Owners or operators of sources and installations subject to this section shall furnish the director such data as s/he may reasonably require to determine whether compliance is being met.

C. Compliance with paragraph *[(3)(C)3.] (3)(B)3.* of this rule shall be determined by source testing as specified in subsection (5)(B) of this rule.

D. Other methods approved by the staff director in advance may be used.

*[(D)](C)* Emission of Sulfur Dioxide from Existing Lead Smelters and Refineries.

1. Each of the following existing installations listed in Table II engaged in smelting and/or refining lead shall limit its sulfur dioxide emissions from the sources or stacks, as described, to the amount of sulfur dioxide set forth here.

**Table II**

<b>Facility</b>	<b>Averaging Time</b>	<b>Emission Limitation</b>
Doe Run Company, Lead Smelter and Refinery— Glover, Missouri Two stacks: Sinter machine off-gas stack Blast furnace baghouse stack	1 hour test repeated 3 times	20,000 pounds SO <sub>2</sub> /hr 1,056 pounds SO <sub>2</sub> /hr
Doe Run Company, Buick Smelter— Boss, Missouri	1 hour test repeated 3 times	8,650 pounds SO <sub>2</sub> /hr
Doe Run Company, Herculanum Smelter—Herculanum, Missouri	Year end Annual for 2012	25,100 tons SO <sub>2</sub> /year
	Year end Annual for 2014	16,350 tons SO <sub>2</sub> /year
	Year end Annual for 2017	0 tons SO <sub>2</sub> /year

2. Compliance with paragraph [(3)(D)1.] (3)(C)1. of this rule shall be determined by source testing as specified in subsection (5)(B) of this rule except that the source testing shall consist of averaging three (3) separate one (1)-hour tests using the applicable testing method. The Doe Run Company, Herculaneum Smelter, shall determine compliance using a continuous emission monitoring system.

3. Secondary lead smelting installations shall install, calibrate, maintain, and operate an SO<sub>2</sub> continuous emission monitoring system, for the purpose of demonstrating compliance status, relative to subsection (3)(A) of this rule.

A. Certification.

(I) The continuous emission monitoring systems shall be certified by the owner or operator in accordance with 40 CFR part 60 Appendix B, Performance Specification 2 and Section 60.13 as is pertinent to SO<sub>2</sub> continuous monitors as adopted by reference in 10 CSR 10-6.070.

(II) The span of the SO<sub>2</sub> continuous monitor shall be set at an SO<sub>2</sub> concentration of one-fifth percent (0.20%) by volume.

(III) For the purpose of the SO<sub>2</sub> continuous monitor performance evaluation, the reference method referred to under the Field Test for Accuracy in Performance Specification 2 shall be Reference Method 6, 10 CSR 10-6.030(6). For this method, the minimum sampling time is twenty (20) minutes and the minimum volume is 0.02 dry standard cubic meter (dscm) for each sample. Samples are taken at sixty (60)-minute intervals and each sample represents a one (1)-hour average.

B. Reports shall be as specified in section (4) of this rule.

4. Owners or operators of sources and installations subject to this section shall furnish the director such data as s/he may reasonably require to determine whether compliance is being met.

(4) Reporting and Record Keeping.

(A) The owner or operator of each source subject to subparagraph [(3)(C)3.A.] (3)(B)3.A. and paragraph [(3)(D)3.] (3)(C)3. of this rule shall submit a written report of excess emissions for each calendar quarter to the director within thirty (30) days following the end of the quarter. Each report shall:—

1. Contain the magnitude of sulfur dioxide emissions as follows:

A. For sources subject to subparagraph [(3)(C)3.A.] (3)(B)3.A. of this rule, the magnitude shall be reported in pounds per million Btus of all daily (00:01 to 24:00) averages of sulfur dioxide emissions greater than the emission rate allowed by part [(3)(C)3.A.(III)] (3)(B)3.A.(II) of this rule; and

B. For sources subject to paragraph [(3)(D)3.] (3)(C)3. of this rule, the magnitude shall be reported in parts per million of each two (2)-hour arithmetic average of sulfur dioxide emissions greater than the emission rate allowed by subsection (3)(A) of this rule;

2. Identify each period during which the continuous monitoring system was inoperative, except for zero and span checks and the nature of repairs and adjustments performed to make the system operative; and

3. Contain a statement that no excess emissions occurred during the quarter, except as reported or during periods when the continuous monitoring system was inoperative. Data reduction and conversion procedures shall conform to the provisions of 40 CFR 60.13(h) and 60.45(e) and (f);

**AUTHORITY:** section 643.050, RSMo [2000] Supp. 2011. Original rule filed Jan. 19, 1996, effective Aug. 30, 1996. Amended: Filed Sept. 29, 2003, effective May 30, 2004. Amended: Filed June 26, 2007, effective Feb. 29, 2008. Amended: Filed Dec. 16, 2008, effective Sept. 30, 2009. Amended: Filed Jan. 31, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 26, 2012. The public hearing will be held at the University Plaza, 333 John Q. Hammons Parkway, Iowa Meeting Room, Springfield, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., May 3, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprule-spn@dnr.mo.gov](mailto:apcprule-spn@dnr.mo.gov).

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.410 Emissions Banking and Trading.** The commission proposes to amend section (2). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

**PURPOSE:** This rule provides a mechanism for companies to acquire offsets for economic development in accordance with section 643.220, RSMo. This amendment removes the reference to 10 CSR 10-6.010 in the definition of National Ambient Air Quality Standards. At the same time, other definitions now found in the general definitions rule are being proposed for removal. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is an email dated May 17, 2011, from Boeing Company to Missouri Department of Natural Resources staff.

(2) Definitions.

[(A) Account holder—Any person that chooses to participate in the program by generating, buying, selling or trading ERCs. ]

[(B)](A) Activity level—The amount of activity at a source measured in terms of production, use, raw materials input, vehicle miles traveled, or other similar units that have a direct correlation with the economic output of the source and is not affected by changes in the emissions rate (i.e., mass per unit of activity).

[(C) Actual emissions—The actual rate of emissions of a pollutant from a source. Actual emissions as of a particular date shall equal the average rate, in mass per unit of time or mass per unit of activity, at which the unit actually emitted the pollutant during a two (2)-year period which precedes the particular date and which is representative of normal source operation at a particular time. A different time period may be used if that is more representative of normal source operation.

(D) Alternate authorized account representative—The alternate person who is authorized by the owners or operators of the unit to represent and legally bind each owner and

operator in matters pertaining to the Emissions Banking and Trading Program in place of the authorized account representative.

(E) Authorized account representative—The person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the Emissions Banking and Trading Program.

(F) Emission reduction credit (ERC)—A certified emission reduction that is created by eliminating future emissions and expressed in tons per year. One (1) ERC is equal to one (1) ton per year. An ERC must be real, properly quantified, permanent and surplus.

(G) Emissions unit—Any part of a source or activity at a source that emits or would have the potential to emit criteria pollutants or their precursors.

(H) Generating activity—Any process modification that results in a permanent reduction in emissions.

(I) Generator source—Any source that generates an ERC.

(J) Maintenance area—Any area with a maintenance plan approved under section 175 of the Act.

(K) Maintenance plan—A revision to the applicable Missouri State Implementation Plan (SIP), meeting the requirements of section 175A of the Act.

(L) Modeling domain—A geographic area covered by an air quality model.

(M) National Ambient Air Quality Standards (NAAQS)—The standards defined by 10 CSR 10-6.010 Ambient Air Quality Standards.

(N) New Source Review (NSR)—The permitting requirements found in state rule 10 CSR 10-6.060 Construction Permits Required.

(O) Normal source operation—The average actual activity rate of a source necessary for determining the actual emissions rate for the two (2) years prior to the date necessary for determining actual emissions, unless some other time period is more representative of the operation of the source or otherwise approved by the staff director.

(P) Protocol—A replicable and workable method to estimate the mass of emissions reductions, or the amount of ERCs needed for compliance.

(Q) Quantifiable—The quantity of emission reductions can be measured or estimated by accurate and replicable techniques. These techniques shall be at least as accurate and replicable as the techniques accepted by the U.S. EPA, where accepted techniques exist.

(R) Shutdown—Rendering an installation or unit inoperable by physically removing, dismantling or otherwise disabling the installation or unit so that it could not be reactivated without obtaining a new permit in accordance with 10 CSR 10-6.060.

(S) Stationary source—Any building, structure, facility or installation which emits or may emit any air pollutant subject to regulation under the Act. Building, structure, facility or installation includes all pollutant emitting activities that are located on one or more contiguous or adjacent properties, and are under the common control of the same person (or persons under common control).

(T) U.S. EPA—The United States Environmental Protection Agency.

(U) User source—Any source that seeks to use ERCs to comply with an applicable emission reduction requirement.]

[(V)](B) Definitions of certain terms specified in this rule, other than those defined in this section, may be found in 10 CSR 10-6.020.

**AUTHORITY:** sections 643.050[, RSMo 2000] and [section] 643.220, RSMo Supp. [2008] 2011. Original rule filed Aug. 2, 2002, effective April 30, 2003. Amended: Filed May 17, 2004, effective

Dec. 30, 2004. Amended: Filed Oct. 15, 2008, effective July 30, 2009. Amended: Filed Jan. 31, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 26, 2012. The public hearing will be held at the University Plaza, 333 John Q. Hammons Parkway, Iowa Meeting Room, Springfield, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., May 3, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprule-spn@dnr.mo.gov](mailto:apcprule-spn@dnr.mo.gov).

Due to the recent change in the meeting date for the Clean Water Commission from March 7 to March 9, 2012, the public hearing date, March 7, 2012, and end of public comment date, March 14, 2012, for the proposed rescission of 10 CSR 20-6.100 General Pretreatment Regulation and the proposed rule 10 CSR 20-6.100 General Pretreatment Regulation, as originally published in the December 15, 2011, *Missouri Register* (36 MoReg 2906-2919) are cancelled. This results in a new public hearing date and an extension of the public comment period. The public hearing is rescheduled for May 2, 2012, and the public comment period will end May 16, 2012. The proposed rescission and proposed rule, as published in the December 15, 2011, *Missouri Register*, are reprinted below with the new public hearing date and end of public comment date to give adequate notice of this change in dates.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 6—Permits**

**PROPOSED RESCISSION**

**10 CSR 20-6.100 General Pretreatment Regulation.** This rule set forth procedures to prevent the introduction of pollutants into publicly-owned treatment works which will interfere with the operation of publicly-owned treatment works, including interference with its use or disposal of municipal sludge, to prevent the introduction of pollutants into publicly-owned treatment works which will pass through the treatment works or otherwise be incompatible with these works, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

**PURPOSE:** This rule is being rescinded so that a new proposed rule may replace it. Substantive federal changes to general pretreatment regulations require this rescission. A new proposed rule in place of this rescission will incorporate by reference the Environmental Protection Agency's federal regulation 40 CFR Part 403. The proposed rule for general pretreatment will allow for continued implementation and enforcement of the federal requirements under the current delegation agreement with the EPA.

**AUTHORITY:** section 644.041, RSMo 1994. Original rule filed Feb. 1, 1988, effective June 13, 1988. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Rescinded: Filed Nov. 9, 2011.

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Walter Fett, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to Walter.Fett@dnr.mo.gov. Public comments must be received by May 16, 2012. The Missouri Clean Water Commission will hold a public hearing at 9:00 a.m., May 2, 2012, at the Lewis and Clark State Office Building, LaCharrette/ Nightingale Creek Conference Room, 1 East, 1101 Riverside Drive, Jefferson City, Missouri.*

Due to the recent change in the meeting date for the Clean Water Commission from March 7 to March 9, 2012, the public hearing date, March 7, 2012, and end of public comment date, March 14, 2012, for the proposed rescission of 10 CSR 20-6.100 General Pretreatment Regulation and the proposed rule 10 CSR 20-6.100 General Pretreatment Regulation, as originally published in the December 15, 2011, *Missouri Register* (36 MoReg 2906-2919) are cancelled. This results in a new public hearing date and an extension of the public comment period. The public hearing is rescheduled for May 2, 2012, and the public comment period will end May 16, 2012. The proposed rescission and proposed rule, as published in the December 15, 2011, *Missouri Register*, are reprinted below with the new public hearing date and end of public comment date to give adequate notice of this change in dates.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 6—Permits**

**PROPOSED RULE**

**10 CSR 20-6.100 General Pretreatment Regulation**

**PURPOSE:** *This rule sets forth procedures to prevent the introduction of pollutants into publicly-owned treatment works which will interfere with the operation of publicly-owned treatment works, including interference with its use or disposal of municipal sludge, to prevent the introduction of pollutants into publicly-owned treatment works which will pass through the treatment works or otherwise be incompatible with these works, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The Environmental Protection Agency federal regulations, 40 CFR parts 403 through 471, inclusive, that are in effect as of January 1, 2011, herein incorporated by reference, are available by writing to the Office of the Federal Register and the National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954. This rule does not incorporate any subsequent amendments or additions. The substitution of terms set forth shall

apply in this rule in addition to any other modifications set forth in this rule.

(2) Provisions Incorporated.

(A) The provisions of the *General Pretreatment Regulations for Existing and New Sources of Pollution*, 40 CFR part 403, as in effect January 1, 2011, are hereby adopted and incorporated by reference subject to the additions, modifications, and substitutions set forth in 10 CSR 20-6.100(4) through (14).

(B) The provisions of the following rules, as in effect January 1, 2011, are hereby adopted and incorporated by reference. The rules in this list refer to only the rules that contain pretreatment standards or limitations for industrial facilities that discharge to the local publicly-owned treatment works.

40 CFR part 406 Grain Mills Point Source Category  
40 CFR part 413 Electroplating Point Source Category  
40 CFR part 414 Organic Chemicals, Plastics, and Synthetic Fibers  
40 CFR part 415 Inorganic Chemicals Manufacturing Point Source Category  
40 CFR part 417 Soap and Detergent Manufacturing Point Source Category  
40 CFR part 418 Fertilizer Manufacturing Point Source Category  
40 CFR part 419 Petroleum Refining Point Source Category  
40 CFR part 420 Iron and Steel Manufacturing Point Source Category  
40 CFR part 421 Nonferrous Metals Manufacturing Point Source Category  
40 CFR part 423 Steam Electric Power Generating Point Source Category  
40 CFR part 425 Leather Tanning and Finishing Point Source Category  
40 CFR part 426 Glass Manufacturing Point Source Category  
40 CFR part 428 Rubber Manufacturing Point Source Category  
40 CFR part 429 Timber Products Processing Point Source Category  
40 CFR part 430 The Pulp, Paper, and Paperboard Point Source Category  
40 CFR part 433 Metal Finishing Point Source Category  
40 CFR part 439 Pharmaceutical Manufacturing Point Source Category  
40 CFR part 443 Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for the Paving And Roofing Materials (Tars and Asphalt) Point Source Category  
40 CFR part 446 Paint Formulating Point Source Category  
40 CFR part 447 Ink Formulating Point Source Category  
40 CFR part 455 Pesticide Chemicals  
40 CFR part 458 Carbon Black Manufacturing Point Source Category  
40 CFR part 461 Battery Manufacturing Point Source Category  
40 CFR part 464 Metal Molding and Casting Point Source Category  
40 CFR part 465 Coil Coating Point Source Category  
40 CFR part 466 Porcelain Enameling Point Source Category  
40 CFR part 467 Aluminum Forming Point Source Category  
40 CFR part 468 Copper Forming Point Source Category  
40 CFR part 469 Electrical and Electronic Components Point Source Category  
40 CFR part 471 Nonferrous Metals Forming and Metal Powders Point Source Category

Note: 40 CFR part 412 Concentrated Animal Feeding Operations (CAFO) Point Source Category has been adopted at 10 CSR 20-6.300(4)(C).

(3) Federal statutes and regulations that are cited in 40 CFR parts 403 through 471 that are not specifically adopted by reference shall be used as guidelines in interpreting the federal regulations in parts 403 through 471.

(4) The “director” as used in the provisions of the *Code of Federal Regulations* which are incorporated by reference, means the director of staff of the Missouri Clean Water Commission or that person’s delegated representative.

(5) In the provisions of 40 CFR part 403, for all occurrences of the citation to 40 CFR part 136, substitute the citation 10 CSR 20-7.015(9)(A).

(6) In lieu of 40 CFR section 403.4, the following shall apply:

(A) Local Law. The provisions of 10 CSR 20-6.100 shall not supersede any pretreatment requirements, including any standards or prohibitions established by any local law, as long as the local requirements are not less stringent than any set forth in the pretreatment requirements of 10 CSR 20-6.100 or other requirements or prohibitions established by the state or federal government.

(7) State Enforcement Actions. In lieu of 40 CFR section 403.5(e), the following shall apply:

(A) If, within thirty (30) days after notice of an interference or pass-through violation has been sent by the state to the publically-owned treatment works (POTW) and to persons or groups who have requested the notice, the POTW fails to commence appropriate enforcement action to correct the violation, the state may take appropriate enforcement action.

(8) Substitute “Missouri Clean Water Commission” for “Regional Administrator” in 40 CFR section 403.6(a)(5).

(9) Substitute “Missouri Clean Water Law, Chapter 644, Water Pollution, Powers and Duties of the Commission—rules, procedure, Section 644.026(13), RSMo,” for “section 402(b)(1)(C) of the Act” in 40 CFR 403.8(e).

(10) Substitute “the Missouri Hazardous Waste Management Law, Chapter 260, Environmental Control, sections 260.350 to 260.430 RSMo, and the Missouri Solid Waste Management Law, Chapter 260, Environmental Control, sections 260.200 to 260.345, RSMo,” for “subtitles C and D of the Resource Conservation and Recovery Act” in 40 CFR section 403.8(f)(2)(iii).

(11) Substitute “Missouri Department of Natural Resources” for the term “agency” in the 40 CFR section 403.16.

(12) Confidentiality.

(A) In lieu of 40 CFR section 403.14(a), the following shall apply:

1. Authorities. Any claim for confidentiality to the control authority must be in accordance with the Missouri Sunshine Law, Chapter 610, Governmental Bodies and Records, sections 610.010 through 610.028, RSMo, inclusive. If no claim is made at the time of submission, the control authority may make the information available to the public without further notice.

(B) In lieu of 40 CFR section 403.14(b), the following shall apply:

1. Effluent data. Information and data provided to the control authority pursuant to this part which is effluent data shall be available to the public without restriction.

(C) The provisions of 40 CFR section 403.14(c) are omitted.

(13) Pretreatment Authorization. Where the director is also the control authority, the director may issue a pretreatment authorization to a categorical industrial user which discharges industrial process wastewater to a POTW. This authorization will be used to set forth the conditions governing the user’s discharge to the POTW, where the POTW does not have an approved pretreatment program or the POTW has not issued discharge permits that meet the requirements set forth in 10 CSR 20-6.100(2) and (3).

(14) Judicial Relief.

(A) The director shall have authority to seek judicial relief pursuant to Missouri Clean Water Law, Chapter 644, Water Pollution, Unlawful acts prohibited—false statements and negligent acts prohibited—penalties—exception, section 644.076, RSMo, for noncompliance by industrial users when the POTW has failed to act or has acted to seek such relief but has sought judicial relief which the director finds to be insufficient. The procedures for notice to dischargers where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision.

(B) The director shall have authority to seek judicial relief pursuant to the Missouri Clean Water Law, Chapter 644, Water Pollution, Unlawful acts prohibited—false statements and negligent acts prohibited—penalties—exception, section 644.076, RSMo, for noncompliance by industrial users where the director is the control authority.

*AUTHORITY: section 644.041, RSMo 2000. Original rule filed Feb. 1, 1988, effective June 13, 1988. Amended Filed March 1, 1996, effective Nov. 30, 1996. Rescinded and readopted: Filed Nov. 9, 2011.*

*PUBLIC COST: This proposed rule requires a one-time cost of compliance by the Missouri Department of Natural Resources and the forty-three (43) cities or political subdivisions with pretreatment ordinances of one hundred fifteen thousand one hundred thirty-six dollars (\$115,136), in the aggregate, over a five- (5-) year period from 2013 through 2017. Cost savings to the cities occur after the adoption, implementation, and approval of the pretreatment ordinances.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The cost savings in this proposed rule will save private entities two hundred forty-eight thousand dollars (\$248,000) in the aggregate, over the life of the rule. Cost savings are realized by the affected private entities after the ordinances are implemented.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Walter Fett, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [Walter.Fett@dnr.mo.gov](mailto:Walter.Fett@dnr.mo.gov). Public comments must be received by May 16, 2012. The Missouri Clean Water Commission will hold a public hearing at 9:00 a.m., May 2, 2012, at the Lewis and Clark State Office Building, LaCharrette/Nightingale Creek Conference Room, 1 East, 1101 Riverside Drive, Jefferson City, Missouri.*

**FISCAL NOTE****PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	10 CSR 20-6.100 General Pretreatment Regulation
Type of Rulemaking:	New Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate*
Department of Natural Resources	Cost of Compliance is \$48,233 through 2017. *The Cost of Compliance in the aggregate after 2017 over the life of the rule is \$0.
Cities or Publically Owned Treatment Works	Cost of Compliance is \$66,904* from 2013 through 2017. The Cost of Compliance in the aggregate after 2017, over the life of the rule, is \$0.
Total	Cost of Compliance is \$115,136 from 2013 through 2017. *The Cost of Compliance in the aggregate after 2017, over the life of the rule, is \$0.

\*The Cost of Compliance is a one-time implementation cost under the federal regulation 40 CFR 403, effective October 14, 2005 for both the State of Missouri and the cities (Publicly Operated Treatment Works, POTWs) After the adoption of an ordinance the cost of compliance over the life of the rule is \$0, due to the savings available each year, both to the Department and to the cities.

II. Worksheet

Missouri Department of Natural Resources – Water Protection Program

	FTEs Required to Review and Approve Municipal Ordinances	Annual Salary	FY 2013 (3 Months)	FY 2014 9 Approvals	FY 2015 9 Approvals	FY 2016 10 Approvals	FY 2017 12 Approvals	TOTALS FY 2013 through 2017
		Number of Ordinance Approvals per Year	3	9	9	10	12	43
EE II - Ordinance Review and Approval - 16 hours	0.0077	\$55,548	\$1,282	\$3,846	\$3,961	\$4,533	\$5,440	
SOSA - Admin. Support - 8 hours	0.0038	\$27,564	\$318	\$954	\$983	\$1,125	\$1,350	
<b>FTE PS TOTAL</b>	<b>0.0115</b>		<b>\$1,600</b>	<b>\$4,800</b>	<b>\$4,944</b>	<b>\$5,658</b>	<b>\$6,789</b>	
FRINGE - 53.09%			\$849	\$2,548	\$2,625	\$3,004	\$3,605	
EE			\$0	\$106	\$108	\$111	\$115	
<b>Personal Service Cost + Fringe + EE TOTAL</b>			<b>\$2,449</b>	<b>\$7,454</b>	<b>\$7,676</b>	<b>\$8,773</b>	<b>\$10,509</b>	
Indirect - 30.85%			\$756	\$2,300	\$2,368	\$2,706	\$3,242	
<b>Indirect with TOTAL</b>			<b>\$3,205</b>	<b>\$9,754</b>	<b>\$10,045</b>	<b>\$11,479</b>	<b>\$13,750</b>	<b>\$48,233</b>
		FY 2013 (6 Months)	FY 2014	FY 2015	FY 2016	FY 2017	TOTAL POTWS	Remaining POTW FY 2018
<b>POTW Ordinance Adoptions:</b>		3	9	9	10	12	43	0
<b>Total Ordinance Reviews and Approvals:</b>		3	9	9	10	12	43	0

Personal Service amounts are based on the market level pay rates for each classification

43 ordinance approvals over 5 years = 8.6 approvals per year. Cities required to submit newly adopted city ordinances, requires less than 1 FTE to review and approve.

FTE calculation = EE II review and approval of ordinance = 16 / 2,080 hours = .0077 FTE per year.

Number of ordinances reviewed and approved varies each year.

FTE calculation = SOSA for admin support = 8 (hours) = 8 / 2,080 hours = .0038 FTE

After 2017 the annual cost to comply, based on the federal regulation, 40 CFR403 in effect October 14, 2005, becomes a cost savings.

**43 Cities (POTWs) Required to Adopt the New Ordinance**

	No. of FTEs Required to Prepare and Adopt the New Ordinance	Annual Salary	FY 2013 (3 Months) 3 Ordinance Adoptions	FY 2014 10 Ordinance Adoptions	FY 2015 10 Ordinance Adoptions	FY 2016 11 Ordinance Adoptions	FY 2017 12 Ordinance Adoptions	TOTALS FY 2013 through 2017
		Number of Ordinance Adoptions	3	9	9	10	12	43
Engineer - (43) ordinance preparation - 40 hours	0.0192	\$70,400	\$4,062	\$12,185	\$12,550	\$14,363	\$17,753	
Clerk - (43) admin support - 20 hours	0.0096	\$28,010	\$808	\$2,424	\$2,497	\$2,857	\$3,532	
Attorney - (43) ordinance review - 40 hours	0.0192	\$111,000	\$6,404	\$19,212	\$19,788	\$22,646	\$27,991	
<b>PS TOTAL</b>	<b>0.0481</b>		<b>\$11,273</b>	<b>\$33,820</b>	<b>\$34,835</b>	<b>\$39,866</b>	<b>\$49,275</b>	
FRINGE			\$5,985	\$17,955	\$18,494	\$21,165	\$26,160	
EE - \$4,800 est.				\$30	\$30	\$30	\$30	
<b>PS + Fringe + EE TOTAL</b>			<b>\$17,258</b>	<b>\$51,805</b>	<b>\$53,358</b>	<b>\$61,061</b>	<b>\$75,465</b>	
Indirect			\$5,324	\$15,982	\$16,461	\$18,837	\$23,281	
<b>COSTS TO CITIES SUBTOTAL</b>			<b>\$22,583</b>	<b>\$67,787</b>	<b>\$69,820</b>	<b>\$79,899</b>	<b>\$98,746</b>	<b>\$338,834</b>
<b>*SAVINGS TO CITIES</b>			<b>-\$7,416</b>	<b>-\$29,665</b>	<b>-\$51,914</b>	<b>-\$76,635</b>	<b>-\$106,300</b>	<b>-\$271,930</b>
<b>Actual Cost, Savings TOTAL</b>			<b>\$15,166</b>	<b>\$38,122</b>	<b>\$17,906</b>	<b>\$3,264</b>	<b>-\$7,554</b>	<b>\$66,904</b>

Env. Engineer & municipal clerk, personal service, including EE, see Missouri May 2010 mean annual wages/salaries. engineer \$70,000 & clerk \$28,010 respectively, [http://www.bls.gov/oes/current/oes\\_mo](http://www.bls.gov/oes/current/oes_mo).

City Attorney personal service see Missouri May 2010 mean annual wages/salaried lawyers \$111,000. [http://www.bls.gov/oes/current/oes\\_mo](http://www.bls.gov/oes/current/oes_mo).

Forty-three (43) ordinances require .05 FTEs per each ordinance.

FTE calculation varies depending on the estimated number of ordinances adopted per year.

FTE calculation = City Engineer, (pretreatment coord.) = 40 hours ordinance preparation = 40/2,080 hours = .0192 FTE per ordinance

FTE calculation = City Clerk = 20 hours per ordinance = 20/2,080 hours preparation = .0096 FTE

FTE calculation = City Attorney = 40 hours per ordinance preparation = 40/2,080 hours = .0192 FTE

Savings to city is realized upon adoption of new pretreatment ordinance, and occurs year-to-year after adoption, depending on how quickly an ordinance is adopted

Saving to each city is \$2,472 annually for each city (derived from the federal rule)

Saving to 3 cities for FY 2013 =  $3 \times \$2,472 = \$7,416$

Savings to cities for FY 2014 = previous years savings plus the savings for 9 additional cities =  $\$7,416 + 9 \times \$2,472 = \$29,665$ .

Savings to cities for subsequent years calculated in the same way as for FY 2014.

Savings to all cities from FY 2013 through FY 2014 = \$271,930

Savings annually over the life of the rule are \$106,300.

	FY 2013 (3 Months)	FY 2014	FY 2015	FY 2016	FY 2017	TOTAL POTWS	Remaining POTW FY 2018
POTW Ordinance Adoptions:	3	9	9	10	12	43	0
Total Ordinance Reviews and Approvals:	3	9	9	10	12	43	0

	Total for DNR and POTWs
DNR:	\$48,233
POTW:	\$66,904
	\$115,136

*\*Savings To Cities:* Under the federal regulation, 40 CFR 40 *General Pretreatment Regulations for Existing and New Sources of Pollution*, in effect October 14, 2005, the basis for the cost savings in this public fiscal note, the estimated cost savings in annual burden hours and costs to the affected respondents is calculated for industrial users, POTWs, and the States. Applied nationally, the annual cost savings were estimated to be \$10.1million dollars (in 2005 dollars). A 3% inflation rate, consistent with the rate used by the Legislative Oversight Committee, is applied to the savings annually over a six year period. The savings to Missouri cities was initially derived from the federal cost savings calculations, and is presented as follows:

1)  $10.1 \text{ (annual cost savings applied nationally)} * (1.03)^6 \text{ (inflation rate over six yrs.)} = 12.06$   
The total annual cost savings after the application of the inflation rate is then \$12.06 million for the federal rule, nationwide.

2) Next, the savings was calculated for the State of Missouri, adjusting for the number of POTWs (43 cities, i.e. publicly owned treatment works) with approved pretreatment programs. The number of POTWs, 43, is compared to the number of POTWs considered in the development of the federal rule. There were 1,464 POTWs cited in the Federal Register notification in 2005, and there were 43 POTWs in Missouri as of 2009.

The ratio of POTWs is 43 to 1464.

$\$12,060,000 \text{ (the total federal annual cost savings)} * 43/1,464 \text{ (POTWs)} = \$354,219$

The total annual savings is \$354,000 (rounded). Savings are realized by implementing the federal pretreatment rule changes in Missouri.

3) The next step at the State level is to separate the federal public savings from the private savings.

The public savings in this fiscal note is based on the annual cost savings portion of total federal savings or,

$*\$354,000 \text{ (Missouri's annual savings)} * 0.30 = \$106,300 \text{ cost savings in the aggregate, after 2017.}$

The 0.30 (30%) represents the estimated public portion of the federal total savings. The federal regulation assumes the costs savings based on reduced sampling and analysis.

The total cost savings is \$271,930 for the cities (POTWs) in the State of Missouri, once the new rule is adopted and implemented, in this fiscal note, from 2013 through 2017.

The average savings to each city, after adoption of the ordinance, is as follows:  $\$106,300 \div 43 = \$2,472.00$  (cost savings per city or POTW).

There will be a transition period as cities revised their ordinances in order to implement the new rule. The total cost savings expected annually are based on the assumption that cities will adopt new ordinances within five years (2013 through 2017).

#### IV. Assumptions

The fiscal impacts in this rulemaking are estimated costs for the Department to review and approve city ordinances for publicly operated treatment works (POTWs) and for the cities, i.e. the POTWs, to adopt and implement this new rule. The public entities affected are the State of Missouri and the 43 cities that have an approved pretreatment ordinance. Each city's approved pretreatment ordinance contains its legal authority. The Department is required under federal regulation to approve each pretreatment ordinance.

Although cost savings were predicted in the federal rulemaking, the cost to change a city's pretreatment ordinance was not considered. There is a one-time cost to the city to change the pretreatment program ordinance and, the cost to the State to review and approve. This one-time cost is included in this fiscal note. The costs of adopting this revised ordinance is spread over 5 years. Once ordinances are adopted, cities are expected to benefit annually from the cost savings.

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis through 2017. Savings are shown through 2017 and continue over the life of the rule. It is assumed that additional years will be consistent with the assumptions used to calculate the annual costs and savings identified in this fiscal note.

The State of Missouri is adopting the federal rule 40 CFR 403 with modifications as a new rule, 10 CSR 20-6.100 and, at the same time, is rescinding the current rule at 10 CSR 20-6.100 through a separate rulemaking rescission.

The new rule incorporates 40 CFR 403 *General Pretreatment Regulations for Existing and New Sources of Pollution* by reference and, includes modifications. The cost savings shown nationally in the Federal Register, 70 FR 60187, and Table at 70 FR 60188, are an accurate estimate of the expected annual savings due to the adoption of the federal rule 40 CFR 403 by states.

A 3% inflation rate is applied in this public fiscal note for personnel services costs, consistent with the practice of the Legislative Oversight Committee. Current wage/salary rates determine the pay used for Department classifications. Wage/salary pay for Department classifications. Wage/salary employment estimates for the cities (POTWs) are based on the May 2010 National Occupational Employment Statistics (OES) estimates for each state.

The footnotes below Table 1 at 70 FR 60188 in the federal rule contain information on the *costs savings* attributed to public entities. A thorough breakdown of the cost to public entities is not available. It is assumed in this public fiscal note that a 30% cost savings will be realized by public entities. For instance, where sampling and analysis is reduced for the Non-Significant Categorical Industrial User under this rule, one sampling event for a city may be eliminated and two sampling events for the industrial user may be eliminated. In this 2 to 1 ratio, the public costs savings would be 30%.

There currently are 43 cities with approved and active pretreatment programs. This is based on the 2009 annual pretreatment reports from the POTWs which were reviewed in the development of this rule. There were one thousand, four-hundred and sixty-four (1,464) POTWs considered

in the development of the federal rule. Savings were considered relative to the number of POTWs in the state of Missouri, 43 (forty-three) and compared to the national number for POTWs in the federal rule.

The Department requested that a number of cities estimate the costs of a new or modified ordinance needed to implement pretreatment. A true cost estimate is difficult to calculate due to the strong variability of the responses received. The number of hours selected to develop an ordinance reflects the need for professional and administrative personnel services including the time expended to approve and adopt.

The State of Missouri will have no additional costs related to this rule change after the ordinances are approved and adopted.

Adoption of the proposed changes in the city ordinances is assumed to begin in fiscal year 2013. It is assumed that all pretreatment programs will have adopted and implemented their ordinances by the end of FY2017.

#### *Cost of Ordinances needed to implement changes*

This fiscal note provides cost estimates for the Department and other public entities for implementing the new rule, 10 CSR 20-6.100. The cost to the Department is a one-time cost to review and approve the cities pretreatment ordinance based on the rule changes. Other public entities affected are the forty-three (43 cities) having Publically Owned Treatment Works (POTWs) with their one-time cost to prepare and adopt a pretreatment ordinance as a result of changes in the 2005 federal pretreatment regulation.

A city's review and adoption of the approved pretreatment ordinance, is not addressed in the federal rule. A city ordinance contains the legal authority, pollutant limitations, and reporting requirements and, is needed to implement the pretreatment program required under the federal regulation 40 CFR 403, effective October 14, 2005.

Costs to adopt the ordinance are spread over 5 years. After the ordinances are adopted, cities are expected to benefit from an annual cost savings as predicted under the federal rule and in this fiscal note. The cost of compliance after adoption of a pretreatment ordinance, in the aggregate, after 2017, over the life of the rule, is \$0, having met the requirements under 40 CFR 403, effective October 14, 2009.

#### *Cost savings realized after implementation of ordinance*

A cost savings was predicted in the federal rule making at 70FR 60187 and 60188.

This fiscal note provides estimated cost savings to public entities for implementing the new rule, 10 CSR 20-6.100. The public entities affected are the forty-three (43 cities) having Publically Owned Treatment Works (POTWs) with approved pretreatment ordinances. A city's approved pretreatment ordinance contains the legal authority, pollutant limitations, and reporting requirements to implement the pretreatment program requirements under the federal regulation 40 CFR 403, effective October 14, 2005.

The federal rulemaking did consider the savings to the city with implementation of the pretreatment ordinance. The cost estimate to the cities (POTWs) is a one-time cost to prepare and adopt a pretreatment ordinance. After the ordinances are adopted, cities are expected to benefit from an annual cost savings. The cost of compliance in the aggregate, after 2017, over the life of the rule is \$0, having met the requirements under 40 CFR 403, effective October 14, 2009.

A cost savings was predicted in the federal rule making at 70FR 60187 and 60188.

*Statements explaining the spreadsheet totals*

- one time cost to the Department to review and approve the city pretreatment ordinances is \$48,233
- one time cost to the Cities (POTWs) to prepare and submit the pretreatment ordinance is \$338,834
- 2013 through 2017, the total savings to the Cities as a result of changes, assuming reduced monitoring and analysis, is \$271,930
- cost of compliance for the POTWs is a total of \$66,904 from 2013 through 2017
- the average savings to each city after adoption of the ordinance each year is  $\$2,472 = \$106,300/43$  cities (POTWs)
- assuming all ordinances have been adopted through 2017, the cost of compliance is zero over the life of the rule under this specific federal rule change

*Statements explaining the cost of the ordinance per city based on the spreadsheet totals*

- the average cost of an ordinance is \$7,879.86 or,  $\$338,834/43$  cities (POTWs) without savings

**Summary –**

This rule requires a one time cost of compliance by the Missouri Department of Natural Resources and the 43 cities or political subdivisions with pretreatment ordinances, of \$115,136, in the aggregate, over a five year period from 2013 through 2017. Cost savings to the cities occur after the adoption, implementation and approval of the pretreatment ordinances.

## FISCAL NOTE

## PRIVATE COST

## I. RULE NUMBER

Rule Number and Name	10 CSR 20-6.100 General Pre-treatment Regulations
Type of Rulemaking	New Rule

## II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected: (NAICS code)	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
156	Metal Finishing (subsectors 332, 333, 334, 335)	Savings \$113,123
31	Electroplating (332813, 334412)	Savings \$22,480
28	Pharmaceutical (325411, 325412)	Savings \$20,304
18	Soap, Detergent (325611)	Savings \$13,053
14	Organic Chemicals (subsectors in 325)	Savings \$10,152
10	Metal Casting (subsectors in 331)	Savings \$7,251
85	Various other categorical industries, examples: Electric utilities, metal forming, leather, porcelain, paper manufacturer	Savings \$61,637
Subtotal 342	Categorical industries, subject to federal limitations.	---
Total 228	Various non-categorical significant industrial users, examples: Hospitals Food Processing Industries	Cost of Compliance = 0 Savings in the aggregate = 0 (Not affected by the new rule)
Total 570		Cost of Compliance = 0 Savings in the aggregate over the life of the rule = \$248,000

This fiscal note will estimate the cost savings to all private entities. Private entities affected by the pretreatment rules currently the are three hundred forty-two (342) of the total five hundred seventy (570) regulated industries that discharge industrial wastewater into the sewer system.

A cost savings is predicted in the federal rule making. A federal cost analysis used to measure the fiscal impact to all states, including the Missouri industrial users, was published in the Federal Register at 70 FR 60187-60188. The federal register publication is available at:

[http://www.epa.gov/npdes/regulations/streamlining\\_fr\\_notice.pdf](http://www.epa.gov/npdes/regulations/streamlining_fr_notice.pdf)

This cost savings is largely attributed to two changes to the federal rule. First, there are reduced monitoring and reporting requirements for new classifications of industrial users, a Nonsignificant Categorical Industrial User, and a Middle-Tier Categorical Industrial User. Second, the sampling and analysis for pollutants in the categorical limitations can be eliminated if the pollutants are not present and are not suspected to be present. These cost savings to Missouri industrial users will be realized after cities with approved pretreatment programs revise their ordinances and issues permits incorporating the changes. Cost savings may realized by the 342 categorical industrial users subject to federal pollutant limitations in 40 CFR 405 to 471 under the new classifications, Non-significant Categorical Industrial User and the Middle-Tier Categorical Industrial User or, if the pollutants are not expected to be present under these less restrictive provisions. In the above table the cost savings are equally distributed among the types of business entities that are subject to categorical limitations.

### III. Worksheet

Federal regulation, 40 CFR 40 *General Pretreatment Regulations for Existing and New Sources of Pollution*, is used as a basis for this private fiscal note.

The total private and public fiscal costs were calculated in the adoption of the federal rule, 40 CRR 403. Applied nationally, the annual cost savings were estimated to be \$10.1million dollars (in 2005 dollars).

For the purposes of this fiscal note, a 3% inflation rate is applied annually over six years, 2005 through 2011, the federal cost savings are as follows:

$$10.1 * (1.03)^6 = 12.06$$

The total annual cost savings is \$12.06 million for the federal rule, nationwide.

Next, the cost savings was calculated for the State of Missouri, adjusting for the number of Publically Owned Treatment Works (POTWs or cities) with approved pretreatment programs, compared to the number of POTWs considered in the development of the federal rule. There were 1,464 POTWs cited in the Federal Register notification, and there were 43 POTWs in Missouri in 2009.

$$\$12.06 \text{ Million} / 1464 * 43 = \$354,219$$

Therefore, \$354,000 annually will be saved in the State of Missouri by implementing the pretreatment rule changes.

The private cost in this fiscal note is an annual cost savings of the total private and public costs as presented in the federal rule.

$$\$354,000 \times 0.70 = \$248,000 \text{ (0.70 represents the private cost estimate in the federal rule)}$$

\$248,000 in the aggregate will be saved by private industries in the State of Missouri when the new rule is fully implemented.

There will be a transition period as cities revised their ordinances in order to implement the new rule. The total cost savings expected after 2017, as indicated above, are based on the assumption that cities will adopt new ordinances within five years.

### IV. Assumptions

The cost analysis for the adoption of the federal rule 40 CFR 403 can be found in the Federal Register at 70 FR 60187 and Table 1 at 70 FR 60188. The federal analysis is assumed to be an accurate estimate of the expected annual costs attributed to the adoption of this federal rule. The cost analysis was not broken down into manhours and job classification because this information is not available.

An annual inflation rate of 3% is applied for 6 years since 2005, the year the federal rule was adopted. This value is consistent with the inflation rate used in the public fiscal note.

There were 43 cities with approved and active pretreatment programs. This is based on the 2009 annual pretreatment reports from the cities, which were reviewed in the development of this rule. There were 1,464 Publically-Owned Treatment Works (POTWs or cities) considered in the development of the federal rule. The savings here are assumed to be proportional to the number of cities with active pretreatment programs, as compared to the national number of all cities considered in development of the federal rule.

The footnotes in Table 1 at 70 FR 60188 in the federal rule contain information on the costs attributed to private entities. A thorough breakdown of the cost to private entities is not available. It is assumed a 70% cost savings will be realized by private entities. For instance, where sampling and analysis can be reduced for the Non-Significant Categorical Industrial User under this rule, one sampling event for a city may be eliminated and two sampling events for the industrial user may be eliminated. In this 2 to 1 ratio, the private costs savings would be 70%.

For the purpose of this fiscal note estimate cost savings were equally distributed among the types of business entities that are subject to categorical limitations.

This proposed rule will not cost private entities more than \$500.00 in the aggregate.

Cost savings occur over the life of the rule. These cost savings are realized after cities with approved pretreatment programs revise their ordinances and issue the permits incorporating the required changes.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.185 Poker Cards—Receipt, Storage, Inspections, and Removal from Use.** The commission is deleting sections (4)–(16) and subsections (17)(A)–(G), amending and renumbering subsection (17)(H) as section (4), and deleting sections (18) and (19).

*PURPOSE: This amendment changes procedures for the handling of poker cards within the gaming operation.*

*[(4) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the poker room manager, pit manager, or supervisor thereof, in the presence of a casino security officer, shall remove the appropriate number of decks of poker cards from the primary card storage area for that gaming day.*

*(5) Once removed from the primary storage area, the poker room manager, pit manager, or supervisor thereof, in the presence of a casino security officer, shall take the decks to the poker room and distribute the decks to the poker room supervisor for distribution to the dealer at each table. The poker room manager, pit manager, or supervisor thereof, shall place extra decks into a single locked compartment of a pit stand located within the poker room. The poker room supervisor or above shall have access to the extra decks of poker cards to be used for that gaming day.*

*(6) If the cards are kept overnight, the cards shall be kept in a separate, single locked storage compartment in the poker room. This storage compartment may be used to store poker cards for future play within that enclosed or encircled area for up to one (1) week if only the poker room supervisor or above has access to the compartment in which the cards are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, and the poker room supervisor or above maintains an approved log current at all times inside the card storage compartment that reflects the current number and color of decks in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Poker cards will not be moved outside of the poker room without a security escort and notification to surveillance except for when being collected by security as detailed in section (14) of this rule.*

*(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the inspection verified by a poker room supervisor or above. Card inspection at the gaming table shall require each deck to be sorted into sequence and into suit to ensure that all cards are in the deck. The dealer shall also check the back of each card to ensure that it is not flawed, scratched or marked in any way.*

*(A) If, after checking the cards, the dealer finds that a card is unsuitable for use, a poker room supervisor or above shall bring a replacement card from the replacement deck in the pit stand.*

*(B) The unsuitable card(s) shall be placed in a transparent sealed envelope or container, identified by the table number, date, and time and shall be signed by the dealer and poker room supervisor assigned to that table. The poker room supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a security officer.*

*(8) All envelopes and containers used to hold or transport*

*poker cards collected by security shall be transparent.*

*(A) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.*

*(B) The envelopes or containers and seals shall be approved by the commission.*

*(9) Any cards which have been opened and placed on a poker table shall be changed at least once every six (6) hours.*

*(10) Card(s) damaged during the course of play shall be replaced by the dealer who shall request a poker room supervisor or above to bring a replacement card(s) from the pit stand.*

*(A) The damaged card(s) shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the poker room supervisor or above who brought the replacement card to the table.*

*(B) The poker room supervisor or above shall maintain the envelope or container in a secure place within the poker room until collected by a security officer.*

*(11) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at other times as may be necessary, the poker room supervisor or above shall collect all used cards.*

*(A) These cards shall be counted down and placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and poker room supervisor assigned to the table.*

*(B) The poker room supervisor or above shall maintain the envelopes or containers in a secure place within the poker room until collected by a casino security officer.*

*(12) The licensee shall remove any poker cards from use any time there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the commission.*

*(13) All extra decks with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the poker room supervisor or poker room manager.*

*(14) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers with damaged poker cards and cards used during the gaming day and shall return the envelopes or containers to the security department*

*(15) Each poker room shall identify and maintain in the poker room podium a specified number of replacement decks for replacing unsuitable card(s). The poker room supervisor or above shall have access to the replacement decks that are kept in a single locked compartment. The poker room supervisor or above shall keep a record of all cards removed from the replacement decks. The record shall include time, date, color, value, suit, reason for replacement, and the name of the individual who replaced the card(s). The replacement deck(s) shall be reconciled to the record at least weekly. Once a replacement deck has been depleted to the point it is no longer useful the remaining cards in the replacement deck shall be picked up by security and destroyed or canceled.*

(16) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a poker room manager, pit manager or supervisor thereof may collect all extra decks of cards. If collected, all sealed decks shall be canceled, destroyed or returned to an approved storage area.

(17) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected within forty-eight (48) hours by a member of the security department who has been trained in proper card inspection procedures. The cards will be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(A) The licensee shall inspect—

1. Any cards which the commission requests the licensee to remove for the purpose of inspection;
2. Any cards the licensee removed for indication of tampering; and
3. All cards used for poker.

(B) The procedures for inspecting all decks required to be inspected under this subsection, shall, at a minimum, include:

1. The sorting of cards sequentially by suit;
2. The inspection of the backs of the cards with an ultraviolet light;
3. The inspection of the sides of the cards for crimps, bends, cuts and shaving; and
4. The inspection of the front and back of all poker cards for consistent shading and coloring.

(C) If, during the inspection procedures required in subsection (17)(B) above, one (1) or more poker cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a three (3)-part Card Discrepancy Report shall be completed in accordance with subsection (17)(H) below.

(D) Upon completion of the inspection procedures required in subsection (17)(B) above, each deck of poker cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker card storage area for subsequent use.

(E) The licensee shall develop internal control procedures for returning the repackaged cards to the storage area.

(F) The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(G) The licensee shall submit the training procedures for those employees performing the inspection, which shall be approved by the commission.

(H)/(4) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at [this time, or at] any [other] time[,] shall be reported to the commission by the completion and delivery of a Card Discrepancy Report.

[1.](A) The report shall accompany the card(s) when delivered to the commission.

[2.](B) The card(s) shall be retained for further inspection by the commission.

[3.](C) The commission agent receiving the report shall sign the Card Discrepancy Report and retain the original at the commission office.

[(18) The licensee shall submit to the commission for approval procedures for—

(A) A card inventory system which shall include, at a minimum, documentation of the following:

1. The balance of decks on hand;
2. The decks removed from storage;
3. The decks returned to storage or received from the manufacturer;
4. The date of the transaction; and
5. The signatures of the individuals involved;

(B) A verification on a daily basis of the number of decks distributed, the decks destroyed or canceled, the decks returned to the storage area and, if any, the decks left in the poker podium; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by an employee from compliance or a supervisory Level II licensee from the cage, slot or accounting department and shall be verified to the balance of decks on hand required in subsection (18)(A) above.

2. Any discrepancies shall immediately be reported to the commission.

(19) Destruction of poker cards shall be by shredding or other method approved by the commission.

(A) Cancellation shall occur by drilling a circular hole of at least one-fourth of one inch (1/4") in diameter through the center of each card in the deck or by cutting at least one-fourth of an inch (1/4") off one (1) corner from each card in the deck or other method approved by the commission.

(B) The destruction and cancellation of poker cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission, and shall be performed by a member of the casino security department specifically trained in proper procedures.]

**AUTHORITY:** section 313.805, RSMo [2000] Supp. 2011. Original rule filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed Jan. 26, 2012.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for April 4, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

**PROPOSED AMENDMENT**

**11 CSR 45-8.130 Tips and Gifts.** The commission is amending sections (2)–(6), adding a new section (4), and renumbering the remaining sections.

*PURPOSE: This amendment distinguishes poker dealer as a separate occupation from table game dealer for the purpose of receiving tip income, and updates the class designation.*

(2) Level II occupational licensees may accept tips for casino-related services performed by the licensee, or paid leave based on work, that is performed in a nonsupervisory capacity as a dealer, **poker dealer**, cage cashier, slot attendant, food and beverage personnel, valet, ticketing personnel, or other positions as approved by the director. *[No occupational license applicant or occupational licensee shall solicit any tip or gift from any player, patron or vendor of the Class A licensee where the occupational licensee is employed or working. This in no way prohibits an occupational licensee with the written consent of the general manager or its designee of the Class A licensee from soliciting a vendor for the purposes of a gift to a charitable or civic event or fundraiser or allowing the name of a licensee from appearing on a general invitation or solicitation.]*

(3) Occupational license applicants or occupational licensees eligible to accept tips shall receive such tips only in the form of currency, chips, and tickets *[and tokens]*.

(4) No occupational license applicant or occupational licensee shall solicit any tip or gift from any player, patron, or vendor of the Class B licensee where the occupational licensee is employed or working. This in no way prohibits an occupational licensee with the written consent of the general manager or the general manager's designee of the Class B licensee from soliciting a vendor for the purposes of a gift to a charitable or civic event or fundraiser or allowing the name of a licensee from appearing on a general invitation or solicitation.

*[(4)](5)* No dealers, **poker dealers**, cage cashiers, or slot attendants shall accept currency *[as a tip]* from any player or patron except as a tip and only if the Class *[A/B]* licensee allows such a practice and has provided procedures for accepting such tips in its internal controls which have been approved by the commission. All tips given to dealers, **poker dealers**, cage cashiers, and slot attendants shall be—

(A) Immediately deposited into a transparent locked box reserved for that purpose except that chips received at table games and **poker games** may first be immediately placed in a color up tube if approved internal controls are in place for such action. If nonvalue chips are received at a roulette table, the marker button indicating their specific value at that time shall not be removed or changed until after a dealer in the presence of a supervisor has converted the nonvalue chips into value chips which are immediately deposited in a transparent locked box reserved for the purpose;

(B) Accounted for by a recorded count conducted by a randomly selected dealer, **poker dealer**, cage cashier, or slot attendant for each respective count, and a randomly selected nongaming employee of the accounting department; and

(C) Placed in separate pools for *pro rata* distribution among the dealers, **poker dealers**, cage cashiers, and slot attendants on a basis that coincides with the normal pay period, with the distribution based upon the number of hours each dealer, **poker dealer**, cage cashier, or slot attendant has worked. Tips from this pool shall be deposited into an account established by the Class *[A/B]* licensee. Distributions to dealers, **poker dealers**, cage cashiers, and slot attendants from this pool shall be made following the Class *[A/B]* licensee's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

(D) The previous provisions of this subsection notwithstanding, a Class *[A/B]* licensee may, subject to internal controls approved by the commission, allow dealers of poker as defined in 11 CSR 45-1.090 to *[either pool tips paid to the dealer by a patron with other dealers operating poker games in the poker room or]* receive tips on an individual basis. The receiving of tips individually may be

allowed only when the dealer does not make decisions that can affect the outcome of the gambling game, is not eligible to receive winnings from the gambling game as an agent of the Class *[A/B]* licensee, and who uses an approved shuffling machine during the course of the poker game. If tips are received by poker dealers on an individual basis, all tips shall be immediately placed into a locked individual transparent tip box that shall be assigned to and maintained by the dealer while working. The locked individual tip box shall be turned in to the Class *[A/B]* licensee at the end of the shift for counting, withholding of taxes, and subsequent payment during the normal payroll process. For the purposes of this subsection, winnings from a gambling game shall not include commissions, commonly referred to as the "rake," withheld from amounts wagered in a game. Poker dealers may be permitted to receive tips on an individual basis only if the Class *[A/B]* licensee has internal controls governing such practice that have been approved by the commission.

*[(5)](6)* Upon receipt of a tip from a patron, a dealer, **poker dealer**, cage cashier, or slot attendant shall extend his/her arm in an overt motion and deposit the tip into the transparent locked box or color up tube reserved for such purposes.

*[(6)](7)* Occupational license applicants or occupational licensees other than surveillance and security personnel may accept gifts from suppliers of goods and services to the Class *[A/B]* licensee provided the Class *[A/B]* licensee allows such practice and has provided procedures for accepting gifts in its internal controls which have been approved by the commission. No gifts may be accepted from liquor distributors (11 CSR 45-12.090). Gifts having a reasonable market value of twenty-five dollars (\$25) or more shall be reported to the commission on a form and in a manner prescribed by the commission.

*[(7)](8)* Applicable state and federal taxes shall be withheld on tips and gifts received by occupational license applicants or occupational licensees.

*AUTHORITY: section[s] 313.004, RSMo 2000, and sections 313.805 and 313.817, RSMo [2000] Supp. 2011. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 26, 2012.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for April 4, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.106 Minimum Internal Control Standards (MICS)—Chapter F**

*PURPOSE: This rule establishes the internal controls for Chapter F of the Minimum Internal Control Standards.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.*

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter F—Poker Rooms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter F does not incorporate any subsequent amendments or additions as adopted by the commission on January 25, 2012.

*AUTHORITY: section 313.004, RSMo 2000, and sections 313.800 and 313.805, RSMo Supp. 2011. Original rule filed Jan. 26, 2012.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for April 4, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.120 Minimum Internal Control Standards (MICS)—Chapter T**

*PURPOSE: This rule establishes the internal controls for Chapter T of the Minimum Internal Control Standards.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.*

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter T—Tips, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on January 25, 2012.

*AUTHORITY: section 313.004, RSMo 2000, and sections 313.800 and 313.805, RSMo Supp. 2011. Original rule filed Jan. 26, 2012.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for April 4, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 26—Dealer Licensure**

**PROPOSED AMENDMENT**

**12 CSR 10-26.210 Dealer Seminar Certification Requirements.**  
The director proposes to amend sections (2) and (5).

*PURPOSE: This proposed amendment changes the minimum number of instruction hours that a dealer educational seminar curriculum must include and removes the incorporated by reference language.*

(2) A seminar provider must be a recognized business or school with a lawful presence in the state of Missouri and with demonstrable experience in providing professional education, including consumer protection laws, to used motor vehicle dealers. Tangible evidence must be provided that these requirements are met. The provider must submit [Form 5110, *Application for Dealer Educational Seminar Certification*,] an application form provided by the director to be certified by the department. [The *Application for Dealer Education Seminar Certification*, revised March 2008, incorporated by reference, is published by and can be obtained from the Missouri Department of Revenue, PO Box 43, Jefferson City, MO 65105-0043; or on the Department of Revenue's website at <http://www.dor.mo.gov/mvdl/motorv/forms/5110.pdf>. The *Application for Dealer Education Seminar Certification* does not include any amendments or additions to the March 2008 edition].

(5) Dealer educational seminar curriculum must be presented in a room in a non-residential building that is dedicated solely to the seminar for the duration of the seminar and compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et seq., as amended. The curriculum must include a minimum of [six (6)] **four (4)** hours of instruction and provide detailed training regarding compliance with—

*AUTHORITY: section 301.553, RSMo 2000, and sections 301.560 to*

*301.573, RSMo 2000 and Supp. [2007] 2011. Original rule filed May 15, 2008, effective Dec. 30, 2008. Amended: Filed Feb. 1, 2012.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the application listed below. A decision is tentatively scheduled for March 23, 2012. This application is available for public inspection at the address shown below:

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**2/6/12**

**#4750HT:** Mercy Hospital St. Louis  
St. Louis (St. Louis County)  
\$1,211,073, Replace PET-CT unit

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by March 6, 2012. All written requests and comments should be sent to—

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
Post Office Box 570  
Jefferson City, MO 65102

For additional information contact  
Karla Houchins, (573) 751-6403.

# **STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS**

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. In addition, this list includes contractor(s) that have agreed to placement on the list maintained by the Secretary of State pursuant to Section 290.330 as a part of the resolution of criminal charges of violating the Missouri Prevailing Wage Law. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State.

## **Contractors Convicted of Violations of the Missouri Prevailing Wage Law**

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp. Case No. 0916-CR03145 (Jackson County Cir. Ct.)		4212 SE Saddlebrook Cir Lee's Summit, MO 64082	7/13/11	7/13/11 to 7/13/12

## **Contractors Agreeing to Placement on the Public Works Debarment List as Part of an Agreement Relating to Criminal Pleas**

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp.		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12
Gerald Chevalier		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12

Dated this 2 day of August 2011.

  
Carla Busch, Director

### ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Saxon W. Johnson, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Saxon W. Johnson including The Tile Doctor or (3) to any other simulation of Mr. Saxon W. Johnson or of The Tile Doctor for a period of one year, or until September 2, 2012.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Saxon W. Johnson DBA The Tile Doctor Case No. 10CA-CR01318 Cass County Cir. Ct.		10724 Haskins Ct Shawnee Mission, KS 66210	9/2/2011	9/2/2011-9/2/2012

Dated this 13 day of September 2011.

  
 Carla Buschjost, Director

# **ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Larry G. McElroy, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Larry G. McElroy including Blackhawk or (3) to any other simulation of Mr. Larry G. McElroy or of Blackhawk Electric for a period of one year, or until December 27, 2012.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Larry G. McElroy DBA Blackhawk Electric Case No. 11CG-CR01157 Cape Girardeau County Cir. Ct.		254 E. Lake Dr., PO Box 248 Cape Girardeau, MO 63701	12/27/2011	12/27/2011-12/27/2012

Dated this 26 day of January, 2012.

  
Carla Buschjost, Director

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY  
COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST  
WALNUT VALLEY ASSOCIATES, LLC**

On December 22, 2011, Walnut Valley Associates, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date. Said company requests that all persons and organizations who have claims against it present them in writing by mail to the Company in care of Margaret Mooney, Lashly & Baer, P.C., 714 Locust Street, St. Louis Missouri 63101. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim. All claims against Walnut Valley Associates, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CANCELLATION OF A FOREIGN LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
ESSEX HALL, LLC**

On December 19, 2011, Essex Hall, LLC, a Missouri foreign limited liability company, filed its Articles of Cancellation of a Foreign Limited Liability Company with the Missouri Secretary of State, effective on the filing date. Said company requests that all persons and organizations who have claims against it present them in writing by mail to the Company in care of Margaret Mooney, Lashly & Baer, P.C., 714 Locust Street, St. Louis Missouri 63101. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim. All claims against Essex Hall, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY  
COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST  
JEFFERSON HOSPITAL COMPANY - ICH, LLC**

On December 22, 2011, JEFFERSON HOSPITAL COMPANY - ICH, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date. Said company requests that all persons and organizations who have claims against it present them in writing by mail to the Company in care of Richard D. Watters, Lashly & Baer, P.C., 714 Locust Street, St. Louis Missouri 63101. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim. All claims against JEFFERSON HOSPITAL COMPANY - ICH, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE TO UNKNOWN CREDITORS  
OF  
VEIN CENTERS FOR EXCELLENCE, INC.**

You are hereby notified that on January 17, 2012, Vein Centers for Excellence, Inc., a Missouri profit corporation (the "Company"), the principal office of which is located in St. Louis County, Missouri, filed Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

Michael D. Laycob  
689 Craig Road  
Saint Louis, MO 63141

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY  
COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST  
THE SURGICAL HOSPITAL AT JRMC, LLC**

On December 22, 2011, THE SURGICAL HOSPITAL AT JRMC, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date. Said company requests that all persons and organizations who have claims against it present them in writing by mail to the Company in care of Richard D. Watters, Lashly & Baer, P.C., 714 Locust Street, St. Louis Missouri 63101. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim. All claims against THE SURGICAL HOSPITAL AT JRMC, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Dissolution of Limited Liability Company  
To All Creditors of and Claimants Against Ozarks Cross Country, LLC**

On January 13, 2012, Ozarks Cross Country, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Charles R. Owens, 2675 CR 3780, Willow Springs, MO 65793. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Winding Up of Limited Liability Company  
to All Creditors of and All Claimants Against  
1640 Woodson, LLC**

On January 20, 2012, 1640 Woodson, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: Pamela T. Gomes, 555 Couch Ave., #373, St. Louis, Missouri 63122. Each claim must include the name, address and phone number of claimant; amount and nature of claim; date on which the claim arose; and any claim documentation.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF DISSOLUTION OF  
LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND  
ALL CLAIMANTS AGAINST  
ACCENT MASONRY, LLC**

On January 13, 2012, Accent Masonry, LLC, a Missouri limited liability company (the "Company") filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company should be mailed to Erica Bradshaw, 135 Eric Loop, Kirbyville, Missouri 65679. All claims must include the following information:

1. Name and address of the claimant;
2. The amount of the claim;
3. Basis for the claim; and
4. Documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**Notice of Winding Up of Limited Liability Company to All Creditors of And Claimants Against  
Gateway Reverse Mortgage Group, LLC**

On January 9, 2012, Gateway Reverse Mortgage Group, LLC (the "Company") filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to Carrie F. Keller, Herzog Crebs LLP, 100 N Broadway, 14<sup>th</sup> Floor, St. Louis, MO 63102. All claims must be presented in writing and must contain (a) the name and address of the claimant, (b) the amount claimed, (c) the basis for the claim, (d) the date(s) on which the event(s) on which the claim is based occurred, and (e) any documentation of the claim.

**NOTICE:** Because of the dissolution of Gateway Reverse Mortgage Group, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the public date of the notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION TO ALL CREDITORS  
AND CLAIMANTS AGAINST LITTON LAKE DEVELOPMENT, L.L.C.**

On January 23, 2012, Litton Lake Development, L.L.C. filed its Notice of Winding Up with the Missouri Secretary of State.

YOU ARE HEREBY NOTIFIED that if you believe you have a claim against Litton Lake Development, L.L.C., you must submit a summary in writing of the circumstances surrounding your claim to the said Litton Lake Development, L.L.C.. at the following address: Litton Lake Development, L.L.C., C/O Robert Cowherd, Attorney at Law, P.O. Box 228, Chillicothe, MO 64601; Telephone: 660-646-0627.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Litton Lake Development, L.L.C. will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				35 MoReg 1815
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 30-2.020	Animal Health		36 MoReg 1981	37 MoReg 49	
2 CSR 30-9.100	Animal Health		36 MoReg 1806	37 MoReg 49	
2 CSR 30-9.110	Animal Health		36 MoReg 1806	37 MoReg 49	
2 CSR 70-45.005	Plant Industries	36 MoReg 2083	36 MoReg 2159	37 MoReg 203	
2 CSR 90-10	Weights and Measures				36 MoReg 1762
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-5.205	Conservation Commission		36 MoReg 2159	37 MoReg 49	
3 CSR 10-5.220	Conservation Commission		36 MoReg 2160	37 MoReg 50	
3 CSR 10-6.415	Conservation Commission		36 MoReg 2160	37 MoReg 50	
3 CSR 10-7.410	Conservation Commission		36 MoReg 2161	37 MoReg 50	
3 CSR 10-7.431	Conservation Commission		36 MoReg 2161	37 MoReg 50	
3 CSR 10-7.433	Conservation Commission		36 MoReg 2161	37 MoReg 50	
3 CSR 10-7.455	Conservation Commission		36 MoReg 2161	37 MoReg 51	37 MoReg 118
3 CSR 10-9.110	Conservation Commission		36 MoReg 2162	37 MoReg 51	
3 CSR 10-10.744	Conservation Commission		36 MoReg 2163	37 MoReg 51	
3 CSR 10-11.110	Conservation Commission		36 MoReg 2166	37 MoReg 51	
3 CSR 10-11.115	Conservation Commission		36 MoReg 2166	37 MoReg 51	
3 CSR 10-11.125	Conservation Commission		36 MoReg 2166	37 MoReg 51	
3 CSR 10-11.130	Conservation Commission		36 MoReg 2167	37 MoReg 52	
3 CSR 10-11.140	Conservation Commission		36 MoReg 2167	37 MoReg 52	
3 CSR 10-11.160	Conservation Commission		36 MoReg 2168	37 MoReg 52	
3 CSR 10-11.165	Conservation Commission		36 MoReg 2168	37 MoReg 52	
3 CSR 10-11.180	Conservation Commission		36 MoReg 2169	37 MoReg 52	
3 CSR 10-11.185	Conservation Commission		36 MoReg 2170	37 MoReg 52	
3 CSR 10-11.186	Conservation Commission		36 MoReg 2171	37 MoReg 53	
3 CSR 10-11.200	Conservation Commission		36 MoReg 2171	37 MoReg 53	
3 CSR 10-11.205	Conservation Commission		36 MoReg 2172	37 MoReg 53	
3 CSR 10-11.215	Conservation Commission		36 MoReg 2172	37 MoReg 53	
3 CSR 10-12.109	Conservation Commission		36 MoReg 2173	37 MoReg 53	
3 CSR 10-12.110	Conservation Commission		36 MoReg 2173	37 MoReg 53	
3 CSR 10-12.115	Conservation Commission		36 MoReg 2174	37 MoReg 54	
3 CSR 10-12.125	Conservation Commission		36 MoReg 2174	37 MoReg 54	
3 CSR 10-12.130	Conservation Commission		36 MoReg 2175	37 MoReg 54	
3 CSR 10-12.135	Conservation Commission		36 MoReg 2175	37 MoReg 54	
3 CSR 10-12.140	Conservation Commission		36 MoReg 2176	37 MoReg 54	
3 CSR 10-12.145	Conservation Commission		36 MoReg 2176	37 MoReg 54	
3 CSR 10-12.150	Conservation Commission		36 MoReg 2177	37 MoReg 55	
	<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>				
4 CSR 170-7.010	Missouri Housing Development Commission		37 MoReg 7R		
4 CSR 170-7.020	Missouri Housing Development Commission		37 MoReg 7R		
4 CSR 170-7.030	Missouri Housing Development Commission		37 MoReg 8R		
4 CSR 170-7.040	Missouri Housing Development Commission		37 MoReg 8R		
4 CSR 170-7.050	Missouri Housing Development Commission		37 MoReg 8R		
4 CSR 170-7.100	Missouri Housing Development Commission		37 MoReg 8		
4 CSR 170-7.200	Missouri Housing Development Commission		37 MoReg 9		
4 CSR 170-7.300	Missouri Housing Development Commission		37 MoReg 10		
4 CSR 170-7.400	Missouri Housing Development Commission		37 MoReg 11		
4 CSR 170-7.500	Missouri Housing Development Commission		37 MoReg 12		
4 CSR 170-7.600	Missouri Housing Development Commission		37 MoReg 14		
4 CSR 240-4.020	Public Service Commission		36 MoReg 2230		
4 CSR 240-20.065	Public Service Commission		This Issue		
	<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>				
5 CSR 20-100.105	Division of Learning Services		36 MoReg 2087	37 MoReg 254	
5 CSR 20-100.250	Division of Learning Services		This Issue		
5 CSR 30-345.011	Division of Administrative and Financial Services		36 MoReg 2093R	37 MoReg 256R	
5 CSR 50-340.018	Division of School Improvement		36 MoReg 2093R	37 MoReg 256R	
5 CSR 50-340.019	Division of School Improvement		36 MoReg 2093R	37 MoReg 256R	
5 CSR 50-340.021	Division of School Improvement		36 MoReg 2093R	37 MoReg 256R	
5 CSR 50-340.022	Division of School Improvement		36 MoReg 2094R	37 MoReg 257R	
5 CSR 50-340.030	Division of School Improvement		36 MoReg 2094R	37 MoReg 257R	
5 CSR 50-340.060	Division of School Improvement		36 MoReg 2094R	37 MoReg 257R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 50-340.070	Division of School Improvement		36 MoReg 2094R	37 MoReg 257R	
5 CSR 50-340.100	Division of School Improvement		36 MoReg 2095R	37 MoReg 257R	
5 CSR 50-340.150	Division of School Improvement		36 MoReg 2095R	37 MoReg 257R	
5 CSR 50-350.010	Division of School Improvement		36 MoReg 2095R	37 MoReg 258R	
5 CSR 50-350.020	Division of School Improvement		36 MoReg 2095R	37 MoReg 258R	
5 CSR 50-350.030	Division of School Improvement		36 MoReg 2096R	37 MoReg 258R	
5 CSR 50-350.050	Division of School Improvement		36 MoReg 2096R	37 MoReg 258R	
5 CSR 50-378.100	Division of School Improvement		37 MoReg 97R		
5 CSR 50-380.010	Division of School Improvement		37 MoReg 97R		
5 CSR 50-390.010	Division of School Improvement		37 MoReg 97R		
5 CSR 80-870.010	Teacher Quality and Urban Education		36 MoReg 2096R	37 MoReg 258R	
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-11.010	Commissioner of Higher Education	36 MoReg 2221	36 MoReg 1894	36 MoReg 2840	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				37 MoReg 205
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 10-5.030	Division of Employment Security		This Issue		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-5.240	Director, Department of Mental Health	37 MoReg 147	36 MoReg 2369		
9 CSR 10-31.030	Director, Department of Mental Health	36 MoReg 2083	36 MoReg 2097	37 MoReg 203	
9 CSR 10-31.040	Director, Department of Mental Health		This Issue		
9 CSR 30-4.030	Certification Standards		37 MoReg 15		
9 CSR 30-4.034	Certification Standards		37 MoReg 17		
9 CSR 30-4.035	Certification Standards		37 MoReg 18		
9 CSR 30-4.039	Certification Standards		37 MoReg 19		
9 CSR 30-4.042	Certification Standards		37 MoReg 20		
9 CSR 30-4.043	Certification Standards		37 MoReg 20		
9 CSR 30-4.046	Certification Standards		37 MoReg 22		
9 CSR 45-2.010	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-2.020	Division of Mental Retardation and Developmental Disabilities		This Issue		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-2.385	Air Conservation Commission		36 MoReg 2520		
10 CSR 10-5.040	Air Conservation Commission		36 MoReg 2232		
10 CSR 10-5.130	Air Conservation Commission		36 MoReg 2233		
10 CSR 10-5.385	Air Conservation Commission		36 MoReg 2521		
10 CSR 10-5.455	Air Conservation Commission		36 MoReg 2233		
10 CSR 10-5.490	Air Conservation Commission		36 MoReg 2234		
10 CSR 10-6.020	Air Conservation Commission		36 MoReg 2246		
10 CSR 10-6.060	Air Conservation Commission		This Issue		
10 CSR 10-6.065	Air Conservation Commission		This Issue		
10 CSR 10-6.070	Air Conservation Commission		36 MoReg 1811	37 MoReg 55	
10 CSR 10-6.075	Air Conservation Commission		36 MoReg 1812	37 MoReg 55	
10 CSR 10-6.080	Air Conservation Commission		36 MoReg 1814	37 MoReg 55	
10 CSR 10-6.260	Air Conservation Commission		This Issue		
10 CSR 10-6.310	Air Conservation Commission		36 MoReg 2260		
10 CSR 10-6.400	Air Conservation Commission		36 MoReg 2269		
10 CSR 10-6.410	Air Conservation Commission		This Issue		
10 CSR 20-6.010	Clean Water Commission	36 MoReg 1892	36 MoReg 1895		
10 CSR 20-6.100	Clean Water Commission		36 MoReg 2906R		
			36 MoReg 2906		
			This IssueR		
			This Issue		
10 CSR 20-6.300	Clean Water Commission		36 MoReg 1909		
10 CSR 20-7.031	Clean Water Commission		36 MoReg 2521		
10 CSR 20-8.120	Clean Water Commission		36 MoReg 1815	37 MoReg 114	
10 CSR 20-8.300	Clean Water Commission		36 MoReg 1927		
10 CSR 23-1.050	Division of Geology and Land Survey		36 MoReg 2178		
10 CSR 60-5.010	Safe Drinking Water Commission		36 MoReg 2374		
10 CSR 60-7.020	Safe Drinking Water Commission		36 MoReg 2375		
10 CSR 60-8.030	Safe Drinking Water Commission		36 MoReg 2380		
10 CSR 60-15.010	Safe Drinking Water Commission		36 MoReg 2380		
10 CSR 60-15.020	Safe Drinking Water Commission		36 MoReg 2381		
10 CSR 60-15.040	Safe Drinking Water Commission		36 MoReg 2384		
10 CSR 60-15.050	Safe Drinking Water Commission		36 MoReg 2384		
10 CSR 60-15.060	Safe Drinking Water Commission		36 MoReg 2385R		
			36 MoReg 2385		
10 CSR 60-15.070	Safe Drinking Water Commission		36 MoReg 2391		
10 CSR 60-15.080	Safe Drinking Water Commission		36 MoReg 2393		
10 CSR 60-15.090	Safe Drinking Water Commission		36 MoReg 2394		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-12.010	Adjutant General ( <i>Changed to 11 CSR 30-13.010</i> )		37 MoReg 152		
11 CSR 10-12.020	Adjutant General ( <i>Changed to 11 CSR 30-13.020</i> )		37 MoReg 152		
11 CSR 10-12.030	Adjutant General ( <i>Changed to 11 CSR 30-13.030</i> )		37 MoReg 153		
11 CSR 10-12.040	Adjutant General ( <i>Changed to 11 CSR 30-13.040</i> )		37 MoReg 153		
11 CSR 10-12.050	Adjutant General ( <i>Changed to 11 CSR 30-13.050</i> )		37 MoReg 153		
11 CSR 10-12.060	Adjutant General ( <i>Changed to 11 CSR 30-13.060</i> )		37 MoReg 154		
11 CSR 30-12.010	Office of the Director	37 MoReg 93	37 MoReg 98		
11 CSR 30-13.010	Office of the Director ( <i>Changed from 11 CSR 10-12.010</i> )		37 MoReg 152		
11 CSR 30-13.020	Office of the Director ( <i>Changed from 11 CSR 10-12.020</i> )		37 MoReg 152		
11 CSR 30-13.030	Office of the Director ( <i>Changed from 11 CSR 10-12.030</i> )		37 MoReg 153		
11 CSR 30-13.040	Office of the Director ( <i>Changed from 11 CSR 10-12.040</i> )		37 MoReg 153		
11 CSR 30-13.050	Office of the Director ( <i>Changed from 11 CSR 10-12.050</i> )		37 MoReg 153		
11 CSR 30-13.060	Office of the Director ( <i>Changed from 11 CSR 10-12.060</i> )		37 MoReg 154		
11 CSR 30-13.070	Office of the Director		37 MoReg 155		
11 CSR 30-13.080	Office of the Director		37 MoReg 156		
11 CSR 30-13.090	Office of the Director		37 MoReg 156		
11 CSR 30-13.100	Office of the Director		37 MoReg 156		
11 CSR 30-13.110	Office of the Director		37 MoReg 157		
11 CSR 45-1.015	Missouri Gaming Commission		36 MoReg 2270		
11 CSR 45-1.080	Missouri Gaming Commission		36 MoReg 2270		
11 CSR 45-5.030	Missouri Gaming Commission		36 MoReg 2270		
11 CSR 45-5.065	Missouri Gaming Commission		36 MoReg 2271		
11 CSR 45-5.185	Missouri Gaming Commission		This Issue		
11 CSR 45-5.200	Missouri Gaming Commission		36 MoReg 1995	37 MoReg 258	
11 CSR 45-7.160	Missouri Gaming Commission		36 MoReg 2097	37 MoReg 259	
11 CSR 45-8.130	Missouri Gaming Commission		This Issue		
11 CSR 45-9.106	Missouri Gaming Commission		This Issue		
11 CSR 45-9.108	Missouri Gaming Commission		36 MoReg 2687		
11 CSR 45-9.114	Missouri Gaming Commission		36 MoReg 2098	37 MoReg 259	
11 CSR 45-9.117	Missouri Gaming Commission		36 MoReg 2098	37 MoReg 259	
11 CSR 45-9.118	Missouri Gaming Commission		37 MoReg 106		
11 CSR 45-9.120	Missouri Gaming Commission		This Issue		
11 CSR 45-12.090	Missouri Gaming Commission		36 MoReg 2271		
11 CSR 45-17.010	Missouri Gaming Commission		36 MoReg 2099	37 MoReg 260	
11 CSR 45-17.020	Missouri Gaming Commission		36 MoReg 2100	37 MoReg 260	
11 CSR 45-17.030	Missouri Gaming Commission		36 MoReg 2101	37 MoReg 260	
11 CSR 45-17.040	Missouri Gaming Commission		36 MoReg 2101	37 MoReg 260	
11 CSR 45-17.050	Missouri Gaming Commission		36 MoReg 2102R	37 MoReg 261R	
11 CSR 45-17.060	Missouri Gaming Commission		36 MoReg 2102	37 MoReg 261	
11 CSR 45-17.070	Missouri Gaming Commission		36 MoReg 2103	37 MoReg 261	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-23.070	Director of Revenue		36 MoReg 2103R	37 MoReg 116R	
12 CSR 10-23.446	Director of Revenue		37 MoReg 237		
12 CSR 10-26.210	Director of Revenue		This Issue		
12 CSR 10-41.010	Director of Revenue	36 MoReg 2455	36 MoReg 2687		
12 CSR 10-43.030	Director of Revenue		36 MoReg 2395	37 MoReg 261	
12 CSR 30-4.010	State Tax Commission		37 MoReg 157		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 70-3.230	MO HealthNet Division		37 MoReg 23		
13 CSR 70-3.240	MO HealthNet Division		37 MoReg 106		
13 CSR 70-4.110	MO HealthNet Division		37 MoReg 111		
13 CSR 70-10.016	MO HealthNet Division	36 MoReg 2222	36 MoReg 1832	36 MoReg 2399	
13 CSR 70-10.030	MO HealthNet Division	36 MoReg 2224	36 MoReg 2272	37 MoReg 262	36 MoReg 2401
13 CSR 70-10.110	MO HealthNet Division	36 MoReg 2225	36 MoReg 1835	36 MoReg 2399	
13 CSR 70-15.010	MO HealthNet Division	36 MoReg 1575	36 MoReg 1616	36 MoReg 2842	
13 CSR 70-15.110	MO HealthNet Division	36 MoReg 2226	36 MoReg 1840	36 MoReg 2842	
13 CSR 70-15.160	MO HealthNet Division	36 MoReg 2227	36 MoReg 1843	37 MoReg 55	
13 CSR 70-15.200	MO HealthNet Division		37 MoReg 27R		
13 CSR 70-15.220	MO HealthNet Division	36 MoReg 1577	36 MoReg 1620	36 MoReg 2842	
13 CSR 70-15.230	MO HealthNet Division	36 MoReg 1580	36 MoReg 1624	36 MoReg 2849	
13 CSR 70-20.320	MO HealthNet Division	35 MoReg 1072	35 MoReg 1114		
13 CSR 70-35.010	MO HealthNet Division		36 MoReg 2273		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF CORRECTIONS</b>					
14 CSR 80-3.010	State Board of Probation and Parole		36 MoReg 2695		
14 CSR 80-3.020	State Board of Probation and Parole		36 MoReg 2697		
14 CSR 80-4.010	State Board of Probation and Parole		37 MoReg 160		
14 CSR 80-4.020	State Board of Probation and Parole		37 MoReg 160		
14 CSR 80-4.030	State Board of Probation and Parole		37 MoReg 161		
14 CSR 80-5.010	State Board of Probation and Parole		36 MoReg 2697		
14 CSR 80-5.020	State Board of Probation and Parole		36 MoReg 2698		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-200.010	Secretary of State		36 MoReg 2698		
15 CSR 30-200.020	Secretary of State		36 MoReg 2699		
15 CSR 60-13.060	Attorney General		36 MoReg 2274		
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-5.030	The Public School Retirement System of Missouri		37 MoReg 163		
16 CSR 10-6.090	The Public School Retirement System of Missouri		37 MoReg 164		
16 CSR 20-2.085	Missouri Local Government Employees' Retirement System (LAGERS)		36 MoReg 2275	37 MoReg 262	
16 CSR 20-4.010	Missouri Local Government Employees' Retirement System (LAGERS)		36 MoReg 2276	37 MoReg 262	
16 CSR 50-2.010	The County Employees' Retirement Fund		37 MoReg 165		
16 CSR 50-2.035	The County Employees' Retirement Fund		36 MoReg 2103	37 MoReg 203	
16 CSR 50-2.160	The County Employees' Retirement Fund		37 MoReg 165		
16 CSR 50-3.010	The County Employees' Retirement Fund		37 MoReg 165		
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 10-10	Office of the Director				36 MoReg 1700
19 CSR 20-28.010	Division of Community and Public Health		37 MoReg 27		
19 CSR 20-28.040	Division of Community and Public Health		37 MoReg 38		
19 CSR 30-1	Division of Regulation and Licensure				36 MoReg 1702
19 CSR 30-20	Division of Regulation and Licensure				36 MoReg 1704
19 CSR 30-70.620	Division of Regulation and Licensure		37 MoReg 44		
19 CSR 30-70.630	Division of Regulation and Licensure		37 MoReg 44		
19 CSR 60-50	Missouri Health Facilities Review Committee				37 MoReg 206 This Issue
19 CSR 73-2.010	Missouri Board of Nursing Home Administrators	36 MoReg 1515	36 MoReg 1520 36 MoReg 1626	36 MoReg 2850	
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators	36 MoReg 1516	36 MoReg 1524 36 MoReg 1629	36 MoReg 2852	
19 CSR 73-2.022	Missouri Board of Nursing Home Administrators	36 MoReg 1517	36 MoReg 1526 36 MoReg 1631	36 MoReg 2852	
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators	36 MoReg 1518	36 MoReg 1528 36 MoReg 1633	36 MoReg 2853	36 MoReg 3074
19 CSR 73-2.070	Missouri Board of Nursing Home Administrators	36 MoReg 1519	36 MoReg 1539 36 MoReg 1644	36 MoReg 2855	
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Construction Claims Binding Arbitration Cap				35 MoReg 654 36 MoReg 192 37 MoReg 62
20 CSR	Sovereign Immunity Limits				35 MoReg 318 37 MoReg 62
20 CSR	State Legal Expense Fund Cap				35 MoReg 654 36 MoReg 192 37 MoReg 62
20 CSR 100-5.020	Insurer Conduct	36 MoReg 2897	36 MoReg 2920 37 MoReg 166		
20 CSR 200-12.030	Insurance Solvency and Company Regulation		37 MoReg 238		
20 CSR 200-18.030	Insurance Solvency and Company Regulation	37 MoReg 150	37 MoReg 168		
20 CSR 700-1.160	Insurance Licensing	37 MoReg 150	37 MoReg 171		
20 CSR 1100-2.040	Division of Credit Unions		36 MoReg 2104	37 MoReg 116	
20 CSR 1100-2.055	Division of Credit Unions		36 MoReg 2105	37 MoReg 116	
20 CSR 1100-2.075	Division of Credit Unions		36 MoReg 2105	37 MoReg 117	
20 CSR 1100-2.240	Division of Credit Unions		36 MoReg 2106	37 MoReg 117	
20 CSR 2010-2.022	Missouri State Board of Accountancy		37 MoReg 112		
20 CSR 2010-2.160	Missouri State Board of Accountancy	36 MoReg 1795	36 MoReg 1855	36 MoReg 2856	
20 CSR 2015-1.030	Acupuncturist Advisory Committee	36 MoReg 1173	36 MoReg 1179	36 MoReg 1939	
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		36 MoReg 2701		
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		36 MoReg 2701		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		36 MoReg 2701		
20 CSR 2030-11.035	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		36 MoReg 2702		
20 CSR 2030-14.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		36 MoReg 2702R		
20 CSR 2095-1.020	Committee for Professional Counselors	36 MoReg 1173	36 MoReg 1182	36 MoReg 1939	
20 CSR 2115-1.040	State Committee of Dietitians	36 MoReg 2899	36 MoReg 2922		
20 CSR 2115-2.010	State Committee of Dietitians		36 MoReg 2925		
20 CSR 2115-2.020	State Committee of Dietitians		36 MoReg 2925		
20 CSR 2115-2.040	State Committee of Dietitians		36 MoReg 2925		
20 CSR 2115-2.045	State Committee of Dietitians		36 MoReg 2926		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		37 MoReg 45		
20 CSR 2150-1.011	State Board of Registration for the Healing Arts		37 MoReg 173R 37 MoReg 173		
20 CSR 2150-2.004	State Board of Registration for the Healing Arts		36 MoReg 2281	37 MoReg 262	
20 CSR 2150-2.005	State Board of Registration for the Healing Arts		36 MoReg 2281	37 MoReg 262	
20 CSR 2150-2.015	State Board of Registration for the Healing Arts		36 MoReg 2282R	37 MoReg 263R	
			36 MoReg 2282	37 MoReg 264	
20 CSR 2150-2.020	State Board of Registration for the Healing Arts		36 MoReg 2287R	37 MoReg 264R	
20 CSR 2150-2.030	State Board of Registration for the Healing Arts		36 MoReg 2287	37 MoReg 264	
20 CSR 2150-2.035	State Board of Registration for the Healing Arts		36 MoReg 2290	37 MoReg 264	
20 CSR 2150-2.100	State Board of Registration for the Healing Arts		36 MoReg 2291	37 MoReg 265	
20 CSR 2150-2.150	State Board of Registration for the Healing Arts		36 MoReg 2703		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts		36 MoReg 2705		
20 CSR 2150-3.203	State Board of Registration for the Healing Arts		37 MoReg 178		
20 CSR 2150-4.201	State Board of Registration for the Healing Arts		37 MoReg 178		
20 CSR 2150-4.203	State Board of Registration for the Healing Arts		37 MoReg 179		
20 CSR 2150-4.205	State Board of Registration for the Healing Arts		37 MoReg 180		
20 CSR 2150-5.026	State Board of Registration for the Healing Arts		37 MoReg 241		
20 CSR 2150-5.028	State Board of Registration for the Healing Arts		37 MoReg 241		
20 CSR 2150-6.010	State Board of Registration for the Healing Arts		36 MoReg 2707		
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		36 MoReg 2707		
20 CSR 2150-6.040	State Board of Registration for the Healing Arts		36 MoReg 2709		
20 CSR 2150-6.062	State Board of Registration for the Healing Arts		36 MoReg 2709		
20 CSR 2165-2.050	Board of Examiners for Hearing Instrument Specialists		37 MoReg 113		
20 CSR 2205-3.010	Missouri Board of Occupational Therapy		37 MoReg 180		
20 CSR 2205-3.020	Missouri Board of Occupational Therapy		37 MoReg 184		
20 CSR 2205-3.030	Missouri Board of Occupational Therapy		37 MoReg 187		
20 CSR 2220-2.145	State Board of Pharmacy		37 MoReg 190		
20 CSR 2220-2.675	State Board of Pharmacy	36 MoReg 2084	36 MoReg 2107	37 MoReg 203	
20 CSR 2220-6.060	State Board of Pharmacy		37 MoReg 244		
20 CSR 2220-6.070	State Board of Pharmacy		37 MoReg 245		
20 CSR 2220-6.080	State Board of Pharmacy		37 MoReg 251		
20 CSR 2231-2.010	Division of Professional Registration		37 MoReg 48		
20 CSR 2233-1.010	State Committee of Marital and Family Therapists		36 MoReg 2926		
20 CSR 2233-1.030	State Committee of Marital and Family Therapists		36 MoReg 2926		
20 CSR 2233-1.040	State Committee of Marital and Family Therapists	36 MoReg 2900	36 MoReg 2927		
20 CSR 2233-1.050	State Committee of Marital and Family Therapists		36 MoReg 2930		
20 CSR 2233-2.020	State Committee of Marital and Family Therapists		36 MoReg 2930		
20 CSR 2233-2.021	State Committee of Marital and Family Therapists		36 MoReg 2932R 36 MoReg 2932		
20 CSR 2233-2.030	State Committee of Marital and Family Therapists		36 MoReg 2933		
20 CSR 2233-2.050	State Committee of Marital and Family Therapists		36 MoReg 2934		
20 CSR 2233-3.010	State Committee of Marital and Family Therapists		36 MoReg 2935		
20 CSR 2250-4.070	Missouri Real Estate Commission		36 MoReg 2709		
20 CSR 2250-7.070	Missouri Real Estate Commission		36 MoReg 2710		
20 CSR 2250-8.030	Missouri Real Estate Commission		36 MoReg 2710		
20 CSR 2250-8.120	Missouri Real Estate Commission		36 MoReg 2711		
20 CSR 2270-1.021	Missouri Veterinary Medical Board		37 MoReg 190		
20 CSR 2270-2.031	Missouri Veterinary Medical Board		37 MoReg 191		
20 CSR 2270-2.041	Missouri Veterinary Medical Board		37 MoReg 195		
20 CSR 2270-3.020	Missouri Veterinary Medical Board		37 MoReg 199		
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21 CSR 10-1.010	Director and Board of Trustees	36 MoReg 2900R	36 MoReg 2936R		
21 CSR 10-1.020	Director and Board of Trustees	36 MoReg 2901R	36 MoReg 2936R		

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21 CSR 10-1.030	Director and Board of Trustees	36 MoReg 2902R	36 MoReg 2936R		
21 CSR 10-2.010	Director and Board of Trustees	36 MoReg 2902R	36 MoReg 2936R		
21 CSR 10-3.010	Director and Board of Trustees	36 MoReg 2903R	36 MoReg 2937R		
21 CSR 10-4.010	Director and Board of Trustees	36 MoReg 2904R	36 MoReg 2937R		
21 CSR 10-4.020	Director and Board of Trustees	36 MoReg 2905R	36 MoReg 2937R		
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-1.010	Health Care Plan		36 MoReg 2711		
22 CSR 10-1.020	Health Care Plan		36 MoReg 2712		
22 CSR 10-2.010	Health Care Plan	36 MoReg 2455	36 MoReg 2712		
22 CSR 10-2.020	Health Care Plan	36 MoReg 2463R	36 MoReg 2719R		
		36 MoReg 2463	36 MoReg 2720		
22 CSR 10-2.030	Health Care Plan	36 MoReg 2471	36 MoReg 2730		
22 CSR 10-2.045	Health Care Plan	36 MoReg 2472	36 MoReg 2734		
22 CSR 10-2.051	Health Care Plan	36 MoReg 2473	36 MoReg 2735		
22 CSR 10-2.052	Health Care Plan	36 MoReg 2475	36 MoReg 2739		
22 CSR 10-2.053	Health Care Plan	36 MoReg 2476	36 MoReg 2742		
22 CSR 10-2.054	Health Care Plan		36 MoReg 2746		
22 CSR 10-2.055	Health Care Plan	36 MoReg 2477R	36 MoReg 2749R		
		36 MoReg 2478	36 MoReg 2749		
22 CSR 10-2.060	Health Care Plan		36 MoReg 2756		
22 CSR 10-2.070	Health Care Plan		36 MoReg 2760		
22 CSR 10-2.075	Health Care Plan	36 MoReg 2482	36 MoReg 2761		
22 CSR 10-2.090	Health Care Plan	36 MoReg 2486	36 MoReg 2764		
22 CSR 10-2.091	Health Care Plan	36 MoReg 2488	36 MoReg 2769		
22 CSR 10-2.092	Health Care Plan		36 MoReg 2770R		
			36 MoReg 2770		
22 CSR 10-2.093	Health Care Plan		36 MoReg 2772R		
			36 MoReg 2772		
22 CSR 10-2.094	Health Care Plan	36 MoReg 2489	36 MoReg 2774		
22 CSR 10-2.095	Health Care Plan	36 MoReg 2490	36 MoReg 2776		
22 CSR 10-2.100	Health Care Plan	36 MoReg 2491	36 MoReg 2778		
22 CSR 10-3.010	Health Care Plan	36 MoReg 2491	36 MoReg 2778		
22 CSR 10-3.020	Health Care Plan	36 MoReg 2498R	36 MoReg 2785R		
		36 MoReg 2499	36 MoReg 2785		
22 CSR 10-3.030	Health Care Plan		36 MoReg 2794		
22 CSR 10-3.045	Health Care Plan	36 MoReg 2505	36 MoReg 2798		
22 CSR 10-3.053	Health Care Plan	36 MoReg 2506	36 MoReg 2799		
22 CSR 10-3.054	Health Care Plan	36 MoReg 2507	36 MoReg 2803		
22 CSR 10-3.055	Health Care Plan		36 MoReg 2806		
22 CSR 10-3.056	Health Care Plan		36 MoReg 2809		
22 CSR 10-3.057	Health Care Plan	36 MoReg 2508R	36 MoReg 2812R		
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22 CSR 10-3.060	Health Care Plan		36 MoReg 2819		
22 CSR 10-3.070	Health Care Plan		36 MoReg 2823		
22 CSR 10-3.075	Health Care Plan	36 MoReg 2513	36 MoReg 2824		
22 CSR 10-3.090	Health Care Plan	36 MoReg 2516	36 MoReg 2827		
22 CSR 10-3.092	Health Care Plan		36 MoReg 2832R		
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22 CSR 10-3.093	Health Care Plan		36 MoReg 2835R		
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22 CSR 10-3.100	Health Care Plan	36 MoReg 2519	36 MoReg 2837		

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6 CSR 10-11.010	Nursing Education Incentive Program . . . . .	36 MoReg 2221 . . . . .	Oct. 3, 2011 . . . . . March 30, 2012
<b>Department of Mental Health</b>			
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9 CSR 10-5.240	Health Home . . . . .	37 MoReg 147 . . . . .	Jan. 1, 2012 . . . . . June 28, 2012
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance . . . . .	36 MoReg 2083 . . . . .	Oct. 1, 2011 . . . . . March 28, 2012
<b>Department of Natural Resources</b>			
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10 CSR 20-6.010	Construction and Operating Permits . . . . .	36 MoReg 1892 . . . . .	Oct. 31, 2011 . . . . . April 27, 2012
<b>Department of Public Safety</b>			
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11 CSR 30-12.010	Payment for Sexual Assault Forensic Examinations . . . . .	37 MoReg 93 . . . . .	Dec. 17, 2011 . . . . . June 13, 2012
<b>Department of Revenue</b>			
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12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	36 MoReg 2455 . . . . .	Jan. 1, 2012 . . . . . June 28, 2012
<b>Department of Social Services</b>			
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .	36 MoReg 2222 . . . . .	Oct. 1, 2011 . . . . . March 28, 2012
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services . . . . .	36 MoReg 2224 . . . . .	Oct. 1, 2011 . . . . . March 28, 2012
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance . . . . .	36 MoReg 2225 . . . . .	Oct. 1, 2011 . . . . . March 28, 2012
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	36 MoReg 2226 . . . . .	Oct. 1, 2011 . . . . . March 28, 2012
13 CSR 70-15.160	Prospective Outpatient Hospital Services Reimbursement Methodology . . . . .	36 MoReg 2227 . . . . .	Oct. 1, 2011 . . . . . March 28, 2012
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
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20 CSR 100-5.020	Grievance Review Procedures . . . . .	36 MoReg 2897 . . . . .	Jan. 1, 2012 . . . . . June 28, 2012
Insurance Solvency and Company Regulations			
20 CSR 200-18.030	Licensure of Motor Vehicle Extended Service Contract Producers . . . . .	37 MoReg 150 . . . . .	Jan. 9, 2012 . . . . . July 6, 2012
Insurance Licensing			
20 CSR 700-1.160	Licensing and Authorization of Portable Electronics Insurance Producers and Related Entities . . . . .	37 MoReg 150 . . . . .	Jan. 9, 2012 . . . . . July 6, 2012
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20 CSR 2115-1.040	Fees . . . . .	36 MoReg 2899 . . . . .	Dec. 20, 2011 . . . . . June 16, 2012
State Board of Pharmacy			
20 CSR 2220-2.675	Standards of Operation/Licensure for Class L Veterinary Pharmacies . . . . .	36 MoReg 2084 . . . . .	Sept. 8, 2011 . . . . . March 5, 2012
State Committee of Marital and Family Therapists			
20 CSR 2233-1.040	Fees . . . . .	36 MoReg 2900 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
<b>Missouri Family Trust</b>			
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21 CSR 10-1.010	General Organization . . . . .	36 MoReg 2900 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
21 CSR 10-1.020	Definitions . . . . .	36 MoReg 2901 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
21 CSR 10-1.030	Meetings of the Board of Trustees . . . . .	36 MoReg 2902 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
21 CSR 10-2.010	Terms and Conditions of the Missouri Family Trust . . . . .	36 MoReg 2902 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
21 CSR 10-3.010	Charitable Trust Regulations . . . . .	36 MoReg 2903 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
21 CSR 10-4.010	Administrative Fees for Missouri Family Trust Accounts . . . . .	36 MoReg 2904 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012
21 CSR 10-4.020	Administrative Fees for the Charitable Trust . . . . .	36 MoReg 2905 . . . . .	Nov. 25, 2011 . . . . . May 22, 2012

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<b>Missouri Consolidated Health Care Plan</b>				
<b>Health Care Plan</b>				
22 CSR 10-2.010	Definitions . . . . .	.36 MoReg 2455 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.020	General Membership Provisions (Rescission) . . . . .	.36 MoReg 2463 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.020	General Membership Provisions . . . . .	.36 MoReg 2463 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.030	Contributions . . . . .	.36 MoReg 2471 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.045	Plan Utilization Review Policy . . . . .	.36 MoReg 2472 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2473 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2475 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2476 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges (Rescission) . . . . .	.36 MoReg 2477 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2478 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	.36 MoReg 2482 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	.36 MoReg 2486 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.091	Wellness Program Coverage, Provisions, and Limitations . . . . .	.36 MoReg 2488 . . . . .	Nov. 25, 2011 . . . . .	May 22, 2012
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations . . . . .	.36 MoReg 2489 . . . . .	Nov. 25, 2011 . . . . .	May 22, 2012
22 CSR 10-2.095	TRICARE Supplement Plan . . . . .	.36 MoReg 2490 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-2.100	Fully-Insured Medical Plan Provisions . . . . .	.36 MoReg 2491 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.010	Definitions . . . . .	.36 MoReg 2491 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.020	Subscriber Agreement and General Membership Provisions (Rescission) . . . . .	.36 MoReg 2498 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.020	General Membership Provisions . . . . .	.36 MoReg 2499 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.045	Plan Utilization Review Policy . . . . .	.36 MoReg 2505 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2506 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2507 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges (Rescission) . . . . .	.36 MoReg 2508 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.36 MoReg 2509 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.075	Review and Appeals Procedure . . . . .	.36 MoReg 2513 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.090	Pharmacy Benefit Summary . . . . .	.36 MoReg 2516 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012
22 CSR 10-3.100	Fully-Insured Medical Plan Provisions . . . . .	.36 MoReg 2519 . . . . .	Jan. 1, 2012 . . . . .	June 28, 2012

**Executive  
Orders****Subject Matter****Filed Date****Publication****2012**

<b>12-02</b>	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly	Jan. 23, 2012	This Issue
<b>12-01</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 23, 2012	This Issue

**2011**

<b>11-25</b>	Extends the declaration of emergency contained in Executive Order 11-06 (and extended by Executive Orders 11-09, 11-19, and 11-23) until March 15, 2012, unless extended in whole or part by subsequent order. Further Executive Orders 11-07, 11-11, and 11-14 are extended until March 15, 2012, unless extended in whole or part by subsequent order	Dec. 14, 2011	37 MoReg 95
<b>11-24</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Nov. 18, 2011	37 MoReg 5
<b>11-23</b>	Extends Executive Order 11-20 until October 15, 2011, and extends Executive Orders 11-06, 11-07, 11-08, 11-11, 11-14, and 11-18 until December 18, 2011	Sept. 13, 2011	36 MoReg 2157
<b>11-22</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	July 26, 2011	36 MoReg 1979
<b>11-21</b>	Authorizes the Joplin Public School system to immediately begin to retrofit, equip, and furnish various buildings to house students during the 2011-2012 school year without requiring advertisements for bids	June 17, 2011	36 MoReg 1800
<b>11-20</b>	Extends certain terms of Executive Order 11-12 to help Missouri citizens impacted by the Joplin tornado of April 22, 2011	June 17, 2011	36 MoReg 1798
<b>11-19</b>	Extends certain terms of Executive Orders 11-06, 11-07, 11-08, 11-10, 11-11, 11-13, 11-14, 11-15, 11-16, and 11-18 until September 15, 2011	June 17, 2011	36 MoReg 1796
<b>11-18</b>	Activates the state militia in response to flooding events occurring and threatening along the Missouri River	June 8, 2011	36 MoReg 1739
<b>11-17</b>	Establishes the State of Missouri Resource, Recovery & Rebuilding Center in the City of Joplin in response to a tornado that struck there on May 22, 2011	June 7, 2011	36 MoReg 1737
<b>11-16</b>	Authorizes the Joplin Public Schools to immediately begin to retrofit and furnish warehouse and retail structures to house district programs displaced by the tornado and severe storms on May 22, 2011, without requiring advertisements for bids	June 3, 2011	36 MoReg 1735
<b>11-15</b>	Authorizes the Joplin Public School system to immediately rebuild, restore, and/or renovate Emerson Elementary, Kelsey Norman Elementary, Old South Middle School, and Washington Education Center without requiring advertisement for bids	June 1, 2011	36 MoReg 1594
<b>11-14</b>	Activates the state militia in response to a tornado that hit the City of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1592
<b>11-13</b>	Authorizes the Joplin Public Schools system to immediately begin rebuilding and replacing the materials for three of its buildings that were destroyed in a tornado that struck on May 22, 2011, without requiring advertisement for bids	May 26, 2011	36 MoReg 1590
<b>11-12</b>	Orders the director of the Department of Insurance, Financial Institutions and Professional Registration to temporarily waive, suspend, and/or modify any statute or regulation under his purview in order to best serve the interests of those citizens affected by the tornado that hit the city of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1587
<b>11-11</b>	Orders the director of revenue to issue duplicate or replacement license, nondriver license, certificate of motor vehicle ownership, number plate, or tabs lost or destroyed as a result of the tornado that hit the city of Joplin and to waive all state fees and charges for such duplicate or replacement	May 26, 2011	36 MoReg 1585

**Executive  
Orders**

	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>11-10</b>	Orders the Missouri Department of Health and Senior Services and the State Board of Pharmacy to temporarily waive certain rules and regulations to allow medical practitioners and pharmacists responding to the tornado and severe storms in Joplin to best serve the interests of public health and safety	May 24, 2011	36 MoReg 1583
<b>11-09</b>	Extends Executive Orders 11-06, 11-07, and 11-08 through June 20, 2011	May 20, 2011	36 MoReg 1581
<b>11-08</b>	Activates the state militia in response to severe weather that began on April 22	April 25, 2011	36 MoReg 1449
<b>11-07</b>	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on April 22	April 25, 2011	36 MoReg 1447
<b>11-06</b>	Declares a state of emergency for the state of Missouri and activates the Missouri State Emergency Operations Plan due to severe weather that began on April 22	April 22, 2011	36 MoReg 1445
<b>11-05</b>	Orders the Missouri Department of Transportation to assist local jurisdictions in counties that: 1) received record snowfalls; and 2) continuing snow clearance exceeds their capabilities	Feb. 4, 2011	36 MoReg 883
<b>11-04</b>	Activates the state militia in response to severe weather that began on January 31, 2011	Jan. 31, 2011	36 MoReg 881
<b>11-03</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	Jan. 31, 2011	36 MoReg 879
<b>11-02</b>	Extends the declaration of emergency contained in Executive Order 10-27 and the terms of Executive Order 11-01 through February 28, 2011	Jan. 28, 2011	36 MoReg 877
<b>11-01</b>	Gives the Director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe winter weather that began on December 30	Jan. 4, 2011	36 MoReg 705

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     11-14 are extended until March 15, 2012, unless extended  
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